THE BOMBAY LAND REVENUE CODE, 1879.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short Title.
   Local extent.
2. [*Repealed.*]
3. Interpretation-section.

CHAPTER II.

CONSTITUTION AND POWERS OF REVENUE OFFICERS.

4. Chief controlling authority in revenue-matters.
   Extent of territories under the Commissioners.
   The territories under a Commissioner to be a division.
5. Appointments and duties of Commissioners.
6. Assistants to Commissioners.
7. Division to be divided into districts.
   A district to consist of talukas comprising such mahals and villages as Government may direct.
8. Collector of the district.
9. Assistant and Deputy Collectors;
   to be subordinate to the Collector.
10. Their duties and powers.
11. Collector of the district in case of temporary vacancy
12. The Mamlatdar;
    His appointment.
    His duties and powers.
13. The Mahalkari;
    His duties and powers.
14. Mamlatdar or Mahalkari may depute subordinates to perform certain of his duties.
15. Mamlatdar or Mahalkari in case of temporary vacancy.

SECTIONS.

16. Stipendiary Patel and Village-Accountant to be appointed where no hereditary Patel or Village-Accountant exists.
Saving the rights of holders of alienated villages.
17. Village-Accountant to keep such records as he may be required to keep by the Collector;
and to prepare public writings.
18. Survey Officers;
their duties and powers.
19. Combination of offices.
20. Certain officers' appointments to be notified.
Acting appointments.
21. Establishments.
22. Seals.

CHAPTER III.

OF THE SECURITY TO BE FURNISHED BY CERTAIN REVENUE OFFICERS AND THE LIABILITY OF PRINCIPALS AND SURETIES.

23. Governor in Council to direct what officers shall furnish security and to what amount.
24. Fresh or additional security.
25. Demands for money, papers, etc., to be made known in writing to the person concerned;
who may be arrested and confined in jail if he fail to produce them.
Provided that no person shall be kept in confinement for more than a month.
26. Public moneys may also be recovered as arrears of revenue; and search warrant may be issued for recovery of papers or property.
Persons in possession of public moneys, etc., bound to give them up.
27. Surety to be liable in the same manner as principal.
Extent of liability.
Sureties not liable to imprisonment, if penalty be paid.
28. An officer or surety in jail may, by furnishing certain security, obtain his release.
29. Liability of surety not affected by death of principal or by his taking a different appointment.
Liability of heirs of deceased officer.
30. How surety may withdraw from further liability

CHAPTER IV.

Of certain Acts prohibited to Revenue Officers, and of their Punishment for Misconduct.

SECTIONS.

31. Prohibited acts.
Not to trade.
Not to purchase at public sale.
Not to be concerned in the revenue.
Not to make private use of public money or property.
Not to make or receive undue exactions or presents.
32. Power of fining, reducing, suspending, and dismissing in whom to vest.
A revenue officer whose monthly salary exceeds Rs. 250 to be fined, etc., only by order of the Governor in Council.
33. All such orders to be made in writing.
34. Fine not to exceed two months' pay;
how recovered.
35. Appeals.
36. An officer's liability to criminal prosecution not affected by this Act.
Officer may be suspended during trial, and subsequently suspended, reduced, or dismissed.

CHAPTER V.

Of Land and Land Revenue.

37. All public roads, etc., and all lands which are not the property of others, belong to Government.
38. Lands may be assigned for special purposes and when assigned shall not be otherwise used without sanction of the Collector.
39. Regulation of use of pásturage.
40. Concession of Government rights to trees in case of settlements completed before the passing of this Act.
Ditto in case of settlements completed after the passing of this Act.
Ditto in case of land taken up after completion of settlement.
41. Government trees and forests.
42. Road-side trees.
43. Recovery of value of trees, etc., unauthorizedly appropriated.
44. Regulation of supply of fire-wood and timber for domestic or other purposes.

SECTIONS.

45. All land liable to pay revenue unless specially exempted.
And special exemption may in case of necessity be over-ruled for a time.
46. Liability of alluvial lands to land revenue.
47. Assessment of land revenue in cases of diluvion.
48. Manner of assessment and alteration of assessment.
Prohibition of use of land for certain purposes.
49. Commuted assessment of land indirectly taxed to the State.
And of land liable to occasional assessment.
50. Superior holder may recover commuted assessment from inferior holder.
51. Excess of assessment may be laid on land inadequately assessed held with it.
52. Assessment by whom to be fixed.
Proviso.
53. Register of alienated lands.
54. Settlement of assessment to be made with the holder directly from Government.
55. Rates for the use of water.
56. Land revenue to be a paramount charge on the land.
57. Forfeited holdings may be taken possession of and otherwise disposed.
58. Receipts.
59. Penalty for failure to grant receipts.

CHAPTER VI.

OF THE GRANT, USE AND RELINQUISHMENT OF UNALIENATED LAND.

60. Written permission of Mamlatdar or Mahalkari required previous to taking up unoccupied land.
61. Penalties for unauthorized occupation of land.
62. Unoccupied land may be granted on conditions.
63. Grant of alluvial land vesting in Government.
64. Temporary right to alluvial lands of small extent.
65. Uses to which occupant of land for purposes of agriculture may put his land.
Procedure if occupant wishes to apply his land to any other purpose.
Fine to be levied for such use in addition to special assessment.
66. Penalty for so using land without permission.
Tenant responsible to occupant in damages.

SECTIONS.

67. Permission may be granted on terms.
68. Occupant's rights are conditional.
Proviso.
69. Reservation of right of Government to mines and mineral products.
Proviso.
70. Occupancy when not liable to process of Civil Court; the Court to give effect to Collector's certificate.
71. [*Repealed.*]
72. Intestate occupancy or holding to be sold.
73. Occupancy to be transferable and heritable.
73A. Power to restrict right of transfer.
74. Relinquishment.
75. [*Repealed.*]
76. Relinquishment of land described in paragraph 1 of section 49.
Relinquishment of land described in section 51.
77. Right of way to relinquished land.
78. Saving of operation of section 74 in certain cases.
79. [*Repealed.*]
79A. Summary eviction of person unauthorizedly occupying land.
80. To prevent forfeiture of occupancy, certain persons other than the occupant may pay the land revenue.
Collector may assist such persons in recovering the revenue from other parties liable therefor.
Proviso.
81. [*Repealed.*]
82. Governor in Council empowered to suspend operation of section 60 or 74.

CHAPTER VII.

OF SUPERIOR AND INFERIOR HOLDERS.

83. Amount of rent payable by tenant.
Duration of tenancy.
Presumption as to tenure.
Saving clause.
84. Annual tenancy terminates on the 31st March.
Three months' notice of termination of tenancy to be given by landlord to tenant, or *vice versâ*.
84A. Order granting suspensions or remissions to inferior holders.
Such order not to be questioned in any Court.
Consequences following on such order.

SECTIONS.

84A—*contd.*
Crop-share fixed by custom or agreement.
Meaning of assessment.
Sind excluded.
85. Recovery of superior holders' dues.
86. Superior holders entitled to assistance in recovery of dues from inferior holders, etc.
But application must be made within the revenue year or within the year of tenancy.
87. The Collector how to proceed on such application being made.
Assistance may be refused or granted to a limited extent only.
Civil suit not to be barred.
88. Commissioner may, by commissions, confer certain powers on holders of alienated lands.
89. Form of such commission.
90. Reference must be made by holder of commission to the Collector in certain cases.
91. When compulsory process shall cease.
Penalty for continuing compulsory process.
92. Power under commission to extend to current and previous year's arrears.
93. Holder of commission not to enforce any unusual or excessive demand.
Penalty for so doing.
94. But holder of commission may establish his right to enhanced rent in Civil Court.
94A. Recovery as revenue demand of dues of certain superior holders for specified period.

CHAPTER VIII.

OF SURVEYS, ASSESSMENTS AND SETTLEMENTS OF LAND REVENUE.

95. Revenue survey may be introduced by Governor in Council into any part of Presidency.
Control of revenue survey.
96. Survey officer may require, by general notice or by summons, suitable service from holders of land, etc.
97. Assistance to be given by holders and others in the measurement or classification of lands.
98. Survey numbers not to be of less than a certain extent.
Exception.
99. [*Repealed.*]

SECTIONS.

100. Officer in charge of a survey to fix assessments.
Regard to be had to Proviso to section 52.
Proviso.
101. The assessment so made may be on land, or on means of irrigation, etc.
102. Assessments so made not leviable without the sanction of Government.
But may be fixed, with or without modification, by the Governor in Council for a term of years.
103. Introduction of settlements.
104. Excess assessment not to be levied in the year in which a Survey Settlement is introduced;
nor in the following year if the number is resigned that year.
105. The fixing of assessment under section 102 limited to ordinary land revenue.
106. Government may direct a fresh survey and revision of assessment.
107. Conditions applicable to revisions of assessment.
108. Preparation of statistical and fiscal records.
109. [*Repealed.*]
110. [*Repealed.*]
111. Revenue management of villages or estates not belonging to Government that may be temporarily under Government management.
112. Maintenance of existing settlements of land revenue.
113. Partition.
114. Partition of certain estates by the Collector on application by co-sharers.
115. [*Repealed.*]
116. Division of survey numbers into new survey numbers.
117. Bombay Act V of 1862 not affected.
117A. Division of survey numbers into sub-divisions.
117B. Provisions applicable on relinquishment or forfeiture of a sub-division.

CHAPTER IX.

THE SETTLEMENT OF BOUNDARIES AND THE CONSTRUCTION AND MAINTENANCE OF BOUNDARY-MARKS.

118. Determination of village-boundaries.
Village-boundaries may be settled by agreement.
Procedure in case of disagreement or dispute.

SECTIONS.

119. Determination of field-boundaries.
120. Settlement of boundary disputes by arbitration.
When award may be remitted for reconsideration.
If arbitration fail, Survey officer to settle dispute.
121. Effect of the settlement of a boundary.
122. Construction and repair of boundary-marks of survey numbers and villages.
Requisition on landholders to erect or repair boundary-marks.
A general notification to be good and sufficient notice of requisition.
Description of boundary-marks.
123. Responsibility for the maintenance of boundary-marks.
124. Collector to have charge of boundary-marks after introduction of the Survey Settlement.
125. Penalty for injuring boundary-marks.

CHAPTER X.

OF LANDS WITHIN THE SITES OF VILLAGES, TOWNS AND CITIES.

126. Limits of sites of villages, towns and cities how to be fixed.
127. Act XI of 1852 and Bombay Acts II and VII of 1863 how far applicable to lands in such sites.
128. Existing exemption when to be continued in case of certain lands in towns and cities in which Bombay Act IV of 1868 has been in operation.
129. Right to exemption to be determined by the Collector.
130. Occupancy price payable, in addition to assessment in certain cases.
131. Survey of lands in such sites how to be conducted.
Proviso.
132. In certain cases a survey-fee to be charged.
133. Sanad to be granted without extra charge.
Proviso.
134. Assessment of lands hitherto used for purpose of agriculture only used for other purposes
135. [*Repealed.*]

CHAPTER X-A.

OF THE RECORD OF RIGHTS.

135A. Exemption from provisions of this chapter.
135B. The record of rights.

SECTIONS.
135C. Acquisition of rights to be reported.
135D. Register of mutations and register of disputed cases.
Entries in register of mutations how to be certified.
Tenancies.
135E. Obligation to furnish information.
135F. Penalty for neglect to afford information.
135G. Requisition of assistance in preparation of maps.
135H. Certified copy of record to be annexed to plaint or application.
135I. Refusal of assistance under section 87.
135J. Presumption of correctness of entries in record of rights and register of mutations.
135K. Certified copies.
135L. Bar of suits and exclusion of Chapter XIII. Appeal.

CHAPTER XI.

OF THE REALIZATION OF THE LAND REVENUE AND OTHER REVENUE. DEMANDS.

136. Liability for land revenue.
137. Claims of Government to have precedence over all others.
138. The liability of the crop for the revenue of the land.
139. Land revenue may be levied at any time during the revenue year.
140. Removal of crop which has been sold, etc., may be prevented until revenue paid.
141. In order to secure the land revenue the Collector may
prevent the reaping of the crop, or
the removal thereof, or
place watchmen over it.
142. Collector's orders under last section how to be made known.
Penalty for disobedience of order.
143. Reaping, etc., not to be unduly deferred.
Crop when to be released.
144. Temporary attachment and management of a village or share of a village.
Powers of manager, and disposal of surplus profits.
145. Precautionary measures to be relinquished on security being furnished.
146. Government to determine the dates, etc., on which land revenue shall be payable.

SECTIONS.

147. Arrear.
Defaulters.
148. Liabilities incurred by default.
149. Certified account to be evidence as to arrears.
Collectors may realize each other's demands.
150. Process for recovery of arrears.
151. Revenue demands of former years how recoverable.
Proviso.
152. When notice of demand may issue.
153. The occupancy or alienated holding for which arrear is due may be forfeited.
Proviso.
154. Distraint and sale of defaulter's moveable property.
By whom to be made.
155. Sale of defaulter's immoveable property.
156. Exemption from distraint and sale.
157. Arrest and detention of defaulter.
Imprisonment in Civil Jail.
Defaulters not to be detained in custody longer than debtors may be detained by the Civil Court.
158. Power of arrest by whom to be exercised.
159. Power to attach defaulter's village, and take it under management.
160. Lands of such village to revert free of incumbrances.
Powers of manager.
161. Application of surplus profits.
162. Restoration of village so attached.
Disposal of surplus receipts.
163. Village, etc., to vest in Government, if not redeemed within twelve years.
164. But all processes to be stayed on security being given, or on amount demanded being paid under protest.
165. Procedure in effecting sales.
Proclamation of sales.
166. Notification of sales.
167. Sale by whom to be made.
Time when sale may be made.
Postponement of sale.
168. Sale of perishable articles.
169. When sale may be stayed.
170. Sales of moveable property when liable to confirmation.
171. Mode of payment for moveable property when sale is concluded at once.

SECTIONS.

172. Mode of payment for moveable property when sale is subject to confirmation.
173. Deposit by purchaser in case of sale of immoveable property.
174. Purchase-money when to be paid.
175. Effect of default.
176. Liability of purchaser for loss by re-sale.
177. Notification before re-sale.
178. Application to set aside sale.
179. Order confirming or setting aside sale.
180. Refund of deposit or purchase-money when sale set aside.
181. On confirmation of sale purchaser to be put in possession.
Certificate of purchase.
182. Bar of suit against certified purchaser.
183. Application of proceeds of sale.
Expenses of sale how calculated.
184. Surplus not to be paid to creditors, except under order of Court.
185. Certified purchaser liable only for land-revenue subsequently due.
186. Claims to attached moveable property how to be disposed of.
187. What moneys leviable under the provisions of this Chapter.
Sureties liable as revenue-defaulters.
On resumption of a farm, no payments made to contractor in advance to be admitted.
The recovery of free grants as arrears of revenue in case of misuse.

CHAPTER XII.

PROCEDURE OF REVENUE OFFICERS.

188. Subordination of revenue officers.
189. Power to summon persons to give evidence and produce documents.
190. Summons to be in writing, signed and sealed.
How to be served.
Service in district other than that of issuer.
191. Mode of serving notices.
Notice not void for error.
192. Procedure for procuring attendance of witnesses.
193. Mode of taking evidence in formal inquiries.
Taking evidence given in English.
Translation to be on record.
194. Writing and explanation of decisions.
195. Summary inquiries how to be conducted.

SECTIONS.

196. Formal and summary inquiries to be deemed judicial proceedings.
Hearing and decisions.
Notice to parties.
197. Ordinary inquiries how to be conducted.
198. Copies and translations, etc., how to be obtained.
199. Arrest of a defaulter to be made upon a warrant.
200. Power of revenue officer to enter upon any lands or premises for purposes of measurement, etc.
Proviso.
201. The Governor in Council to determine the language of a district.
202. Collector how to proceed in order to evict any person wrongfully in possession of land.

CHAPTER XIII.

APPEALS AND REVISION.

203. Appeal to lie from any order passed by revenue officer to his superior.
204. Appeal when to lie to the Governor in Council.
205. Periods within which appeals must be brought.
206. Admission of appeal after period of limitation.
207. Provision where last day for appeal falls on a Sunday or a holiday.
208. Copy of order to accompany petition of appeal.
209. Powers of appellate authority.
210. Power to suspend execution of order of subordinate officer.
211. Power of the Governor in Council and of certain revenue officers to call for and examine records and proceedings of subordinate officers;
and to pass orders thereupon.
212. Rules as to decisions or orders expressly made final.

CHAPTER XIV.

MISCELLANEOUS.

213. Maps and land records open to inspection.
Extracts and copies shall be given.
214. Rules.
215. Penalty for breach of rules.

SECTIONS.

216. Chapters VIII to X how far applicable to alienated villages.
217. Holders of land in alienated villages.
218. Construction of this Act.

SCHEDULES.

BOMBAY ACT No. V OF 1879.[1]

[THE BOMBAY LAND REVENUE CODE, 1879.]

[*17th July, 1879.*],

An Act to consolidate and amend the law relating to Revenue officers, and the Land Revenue in the Presidency of Bombay.

WHEREAS it is expedient to consolidate and amend the law relating to Revenue officers, and to the assessment and recovery of Land Revenue, and to other matters connected with the Land Revenue Administration; It is hereby enacted as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

1. [2](*1*) This Act may be cited as "The Bombay Land Revenue Code, 1879." Short Title.

---

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1875, Pt. V, p. 62, and *ibid*, 1879, Pt. V, p. 81; for Reports of the Select Committee, *see ibid*, 1876, Pt. V, p. 166, and *ibid*, 1877, Pt. V, p. 74, and for Proceedings in Council, *see ibid*, 1875, Pt. V, p. 65, *ibid*, 1877, Pt. V, pp. 198, 210, 234, 252, 417, 418, *ibid*, 1878, Pt. V, p. 40, *ibid*, 1879, Pt. V, pp. 112 and 124.

The proceeds of all fees levied under this Act for permission to remove sand or to quarry are to be credited to the Local Fund constituted by the Bombay Local Boards Act, 1884 (Bom. Act 1 of 1884)—*see* s. 44 of the latter Act, *infra*.

[2] Sub-section (*1*) of section 1 was originally the first paragraph of section 1. It was numbered sub-section (*1*) of section 1 by s. 4 (*1*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

NOTE.—All sub-titles, printed over sections or groups of sections in this Act, were repealed by section 84 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

Bombay Act 5 of 1879 has been declared in force in the whole of Sindh by Government Notification in the Revenue Department, No. 4956-B., dated the 30th June, 1904, *see* Appendix to Vol. I of this Code.

Section 85 and the last 15 words of s. 58 are not in force in the Panch Mahals—*see* the Panch Mahals Laws Act, 1885 (7 of 1885), s. 2, Vol. I of this Code.

As to how far provisions of the Act are applicable to villages to which the Khoti Settlement Act, 1880, extends, *see* the Khoti Settlement Act, 1880 (Bom. Act 1 of 1880), ss. 1 and 39, *infra*, and the Khoti Settlement Act Amendment Act, 1904 (Bom. Act 3 of 1904), s. 10, Vol. IV of this Code.

As to how far certain sections of the Act are inapplicable and how far certain sections are applicable with modification to any estate in the districts of Ahmedabad, Kaira, Broach or Panch Mahals to which the Gujarat Taluqdars Act, 1888, extends, *see* the Gujarat Taluqdars Act, 1888 (Bom. Act 6 of 1888), ss. 1 and 33, Vol. III of this Code, and the Gujarat Taluqdars (Amendment) Act, 1905 (Bom. Act 2 of 1905), s. 6, Vol. IV of this Code.

Local extent.

[1][(2) Save as otherwise provided by Chapter XA, this Act extends to the whole of the Presidency of Bombay, except the City of Bombay, Aden, and the Scheduled District of the Mehwassi Chiefs' villages as defined in the Scheduled Districts Act, 1874.[2]] XIV of 1874.

[3][(3) Provided that Chapter III also extends to the City of Bombay, subject to the modification that the expression "Revenue-officer" means every officer of any rank whatsoever appointed under section 5 or 6 of the Bombay City Land Revenue Act, 1876, and employed in or about the business of the Land Revenue in the City of Bombay, or of the surveys, assessment, accounts or records connected therewith, instead of as defined in clause (*l*) of section 3 of this Act.] Bom. Act II of 1876.

2. [*Repeal of enactments.*] *Repealed by Bom. Act IV of 1913, s. 5.*

Interpretation-section.

3. In this Act, unless there be something repugnant in the subject or context.

"revenue officer;"

(1) "revenue officer" means every officer of any rank whatsoever appointed under any of the provisions of this Act, and employed in or about the business of the land-revenue or of the surveys, assessment, accounts, or records connected therewith [4][and for the purposes of sections 25 and 26 includes a village-officer appointed or officiating under any of the provisions of the Bombay Hereditary Offices Act or the Matadars Act, 1887];

"survey officer;"

(2) "survey officer" means an officer appointed under, or in the manner provided by section 18 [5]* * *;

(3) [*Definition of "Collector."*] *Repealed by Bom. Act IV of 1913, s. 6 (a).*

"land;"

(4) "land" includes benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth, and also shares in, or charges on, the revenue or rent of villages, or other defined portions of territory;

"estate;"

(5) "estate" means any interest in lands and the aggregate of such interests vested in a person or aggregate of persons capable of holding the same;

---

[1] Sub-section (2) was substituted for paragraph 2 by s. 4 (2) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] General Acts, Vol. II.

[3] Sub-section (3) was substituted for para. 3 by s. 4 (3) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[4] These words were added by 1st Schedule of the Bombay Repealing and Amending Act, 1905 (Bom. Act 4 of 1905), Vol. IV of this Code.

[5] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

(6) "survey number" means a portion of land of which the area and [1][assessment] are separately entered, under an indicative number in the [2][land records] [3]* * *; "survey number;"

(7) [4]["sub-division of a survey number" means a portion of a survey number of which the area and assessment are separately entered in the land records under an indicative number subordinate to that of the survey number of which it is a portion]; "sub-division of a survey number;"

[5][(8) "chavdi" means, in any village in which there is no chavdi, such place as the Collector may direct shall be deemed to be the chavdi for the purposes of this Act;] "chavdi;"

(9) "building site" means a portion of land held for building purposes, whether any building be actually erected thereupon or not, and includes the open ground or court-yard enclosed by, or adjacent to, any building erected thereupon; "building site;"

(10) "boundary-mark" means any erection, whether of earth, stone, or other material, and also any hedge, [6][unploughed ridge, or] strip of ground, or other object whether natural or artificial, set up, employed, or specified by a survey officer, or other revenue officer having authority in that behalf, in order to designate the boundary of any division of land; "boundary mark;"

[7][(11) "to hold land," or to be a "landholder" or "holder" of land means to be lawfully in possession of land, whether such possession is actual or not;] "to hold land," "landholder," "holder;"

[7][(12) "holding" means a portion of land held by a holder;] "holding;"

[8][(13) "superior holder" means a landholder entitled to receive rent or land revenue from other landholders (hereinafter called 'inferior holders'), whether he is accountable or not for such rent or land revenue, or any part thereof, to Government: provided that where land has been granted free of rent or land revenue, subject to the right of resumption "Superior holder;" "Inferior holder;"

---

[1] This word was substituted for the words "other particulars" by s. 6 (*b*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] These words were substituted for the words "survey-records" by *ibid.*

[3] The words "of the village, town or city in which it is situated, and includes a recognised share of a survey number" were repealed by s. 6, *ibid.*

[4] This definition was substituted for the definition of "recognised share of a survey-number" by s. 6 (*c*), *ibid.*

[5] This definition was added by s. 6 (*d*), *ibid.*

[6] These words were substituted for the word "vacant" by s. 2 of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. Act 6 of 1901), Vol. IV of this Code.

[7] These definitions were substituted for the original definitions of 'holder' or 'landholder' and 'holding' by s. 6 (*e*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[8] This definition was substituted for the original definitions of "superior holder" and "inferior holder" by s. 6 (*f*), *ibid.*

in certain specified contingencies, by a Jagirdar, Inamdar or other such holder of alienated land whose name is authorizedly entered as such in the land records, such Jagirdar, Inamdar or holder shall, with reference to the grantee, be deemed to be the superior holder of land so granted by him and the grantee shall, with reference to the grantor, be deemed to be the inferior holder of such land and for the purposes of section 8 of the [1]Bombay Local Funds Act, 1869, shall, notwithstanding anything hereinafter contained in the definition of the word "tenant," be deemed to be the tenant of such grantor.] Bom. Act III of 1869.

"tenant;" [2][(14) "tenant" means a lessee, whether holding under an instrument, or under an oral agreement, and includes a mortgagee of a tenant's rights with possession; but does not include a lessee holding directly under Government;]

"landlord;" [2][(15) "landlord" means a lessor;]

"occupant;" [3][(16) "occupant" means a holder in actual possession of unalienated land, other than a tenant: provided that where the holder in actual possession is a tenant, the landlord or superior landlord, as the case may be, shall be deemed to be the occupant;]

"occupancy;" [3][(17) "occupancy" means a portion of land held by an occupant;]

"to occupy land;" [3][(18) "to occupy land" means to possess or take possession of land;]

"occupation;" [3][(19) "occupation" means possession;]

"alienated;" (20) "alienated" means transferred in so far as the rights of Government to payment of the rent or land revenue are concerned, wholly or partially, to the ownership of any person;

"village;" [4][(21) "village" includes a town or city and all the land belonging to a village, town or city;]

"revenue year" "year;" (22) the words "revenue year" or "year" mean the period from, and exclusive of, the thirty-first July of one calendar year until, and inclusive of, the thirty-first July in the next calendar year;

(23) [*Definition of "section."*] *Rep. by Bom. Act III of 1886.*

(24) [*Definition of "this chapter."*] *Rep. by Bom. Act III of 1886.*

---

[1] *Supra.*

[2] These definitions were substituted for the original definition of "tenant" by s. 6 (*g*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[3] These definitions were substituted for clauses (16), (17) and (18) by s. 6 (*h*), *ibid.*

[4] This definition was substituted for the original clause (20) by s. 6 (*i*), *ibid.*

[1][(25) the term "joint holders," or "joint occupants," means holders or occupants who hold land as co-sharers, whether as co-sharers in a family undivided according to Hindu law or otherwise, and whose shares are not divided by metes and bounds; and where land is held by joint holders or joint occupants, "holder" or "occupant," as the case may be, means all of the joint holders or joint occupants;] "joint holders;" "joint occupants;"

[1][(26) "land records" means records maintained under the provisions of, or for the purposes of, this Act;] "land records;"

[1][(27) "certified copy" or "certified extract" means a copy or extract, as the case may be, certified in the manner prescribed by section 76 of the [2]Indian Evidence Act, 1872;] "certified copy;" "certified extract."

I of 1872.

[1][(28) in Sind the word "Mukhtyarkar" shall be deemed to be substituted for the word "Mamlatdar" wherever it occurs in this Act.]

CHAPTER II.

Constitution and Powers of Revenue Officers.

4. The chief controlling authority in all matters connected with the land revenue is vested in the Commissioner, subject to the Governor in Council. Chief controlling authority in revenue matters.

There shall be one or more Commissioners as the Governor in Council, subject to the orders of the Government of India, may direct; and the Governor in Council shall prescribe what territories are to be under the control of each, whether generally or for any specific purpose, and may from time to time alter the limits of such territories, all orders made on this behalf being duly notified. Extent of territories under the Commissioners.

The territories under each Commissioner shall form, and be called, a division; [3]* * * The territories under a Commissioner to be a division.

[4][and for the purposes of this Act the territories comprised in the Province of Sind shall be deemed to form a division and the Commissioner in Sind shall be deemed to be the Commissioner of that division.]

5. The Commissioners shall be appointed by the Governor in Council, and shall exercise the powers and discharge the duties conferred and imposed on a Commissioner under this Act, or under any other law for the Appointments and duties of Commissioners.

[1] These definitions were added by s. 6 (*j*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] General Acts, Vol. II.

[3] The words "The present divisions shall continue as they are for the purposes of this Act, until altered by the Governor in Council," were repealed by the Amending Act, 1895 (16 of 1895), Vol. I of this Code.

[4] These words were added by s. 7 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

time being in force, and so far as is consistent therewith all such other powers, or duties of appeal, superintendence and control within their respective divisions, and over the officers subordinate to them as may from time to time be prescribed by Government.

Assistants to Commissioners.

6. Each Commissioner shall have such number of assistants as the Governor in Council may from time to time sanction, their appointment being made by the Governor in Council. Assistants so appointed shall perform such duties as the Commissioners to whom they are respectively subordinate may from time to time direct.

Division to be divided into districts.

7. Each division, under the control of the Commissioner, shall be divided into such [1]* * districts with such limits as may from time to time be prescribed by a duly published order of the Governor in Council.

A district to consist of talukas comprising such mahals and villages as Government may direct.

And each such district shall consist of such [1]* * talukas, and each taluka shall consist of such [1]* * mahals and villages, as may from time to time be prescribed in a duly published order of the Governor in Council.

[2]* * * * * *

Collector of the District.

8. The Governor in Council shall appoint in each district an officer who shall be the Collector [3]* * * and who shall be subordinate to the Commissioner of his division and may exercise, throughout his district, all the powers, and discharge all the duties conferred and imposed on a Collector or an Assistant or Deputy Collector by this Act, or any other law for the time being in force, and in all matters not specially provided for by law shall act according to the instructions of Government.

Assistant and Deputy Collectors;

9. The Governor in Council may appoint to each district so many Assistant Collectors and so many Deputy Collectors as he may deem expedient; the Assistants shall be called "First," "Second," "Supernumerary," etc., as may be expressed in the order of their appointment.

to be subordinate to the Collector.

All such Assistant and Deputy Collectors and all other officers employed in the land revenue administration of the district shall be subordinate to the Collector.

Their duties and powers.

10. Subject to the general orders of Government, a Collector may place any of his assistants or deputies in charge of the revenue administration of one or more of the talukas in his district, or may himself retain charge thereof.

---

[1] The words "number of" were repealed by s. 8 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] The words "The present zillas or collectorates shall form districts, and the present talukas shall remain as they are, for the purposes of this Act, until altered by the Governor in Council" were repealed by the Amending Act, 1895 (16 of 1895), Vol. I of this Code.

[3] The words "of the District" were repealed by *ibid.*

Any Assistant or Deputy Collector thus placed in charge shall, subject to the provisions of Chapter XIII [1]* * *, perform all the duties and exercise all the powers conferred upon a Collector [2]* * * by this Act or any other law at the time being in force, so far as regards the taluka or talukas in his charge:

Provided that the Collector may, whenever he may deem fit, direct any such Assistant or Deputy not to perform certain duties or exercise certain powers, and may reserve the same to himself or assign them to any other Assistant or Deputy subordinate to him.

To such Assistant or Deputy Collector as it may not be possible or expedient to place in charge of talukas, the Collector shall, under the general orders of Government, assign such particular duties and powers as he may from time to time see fit.

Collector of the district in case of temporary vacancy.

11. If the Collector is disabled from performing his duties, or for any reason vacates his office, or leaves his district, or dies, his Assistant of highest rank present in the district shall, unless other provision has been made by Government, succeed temporarily to his office, and shall be held to be the Collector [3]* * * under this Act until the Collector resumes charge of his district, or until the Governor in Council appoints a successor to the former Collector and such successor takes charge of his appointment.

An officer whose principal office is different from that of an Assistant Collector, and who is an Assistant Collector for special purposes only, shall not be deemed to be an Assistant for the purposes of this section.

The Mamlatdar; his appointment.

12. The chief officer entrusted with the local revenue administration of a taluka shall be called a Mamlatdar. He shall be appointed by the Commissioner of the division in which his taluka is situated.

His duties and powers.

His duties and powers shall be such as may be expressly imposed or conferred upon him by this Act, or by any other law for the time being in force, or as may be imposed upon, or delegated to, him by the Collector under the general or special orders of Government. [4]* * *

The Mahalkari;

13. Whenever it may appear necessary to the Governor in Council, the Collector may [5][appoint to a taluka one or more Mahalkaris] and,

---

[1] The words " of this Act " were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[2] The words " of a district " were repealed by the Amending Act, 1895 (16 of 1895), Vol. I of this Code.

[3] The words " of the district " were repealed by *ibid.*

[4] The words " He shall continue to perform the duties and exercise the powers at present performed and exercised by him after the passing of this Act, until such time as he is otherwise directed by competent authority " were repealed by *ibid.*

[5] These words were substituted for the words " appoint a Mahálkari to be in charge of a defined portion of a taluka " by s. 9 (*1*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

his duties and powers.

subject to the orders of Government and of the Commissioner, the Collector may [1][assign to a Mahalkari] within his local limits such of the duties and powers of a Mamlatdar as he may from time to time see fit, and may also from time ot time direct whether the Mahalkari's immediate superior shall, for the purposes of section 203 [2]* * *, be deemed to be the Mamlatdar or the Assistant or Deputy Collector, or the Collector in charge of the taluka.

[3][When a defined portion of a taluka is placed in charge of a Mahalkari, such portion shall be called a mahal.]

Mamlatdar or Mahalkari may depute subordinates to perform certain of his duties.

14. It shall be competent to a Mamlatdar or Mahalkari, subject to such general orders as may from time to time be passed by the Commissioner or by the Collector, to employ any of his subordinates to perform any portion of his ministerial duties: provided that all acts and orders of his subordinates when so employed shall be liable to revision and confirmation by such Mamlatdar or Mahalkari.

[4]* * * * * * *

Mamlatdar or Mahalkari in case of temporary vacancy.

15. If a Mamlatdar or Mahalkari is disabled from performing his duties, or for any reason vacates his office, or leaves his taluka or mahal, or dies, such subordinate as may be designated by orders to be issued from time to time on this behalf by the Collector, shall succeed temporarily to the said Mamlatdar's or Mahalkari's office, and shall be held to be the Mamlatdar or Mahalkari under this Act until the Mamlatdar or Mahalkari resumes charge of his taluka or mahal, or until such time as a successor is duly appointed and takes charge of his appointment.

Stipendiary Patel and Village Accountant to be appointed where no hereditary Patel or Village Accountant exists.

16. In villages where no hereditary Patel or Village Accountant exists, it shall be lawful for the Collector under the general orders of Government and of the Commissioner to appoint a stipendiary Patel or a Village Accountant who shall perform respectively all the duties of hereditary Patels or Village Accountants as hereinafter prescribed in this Act or in any other law for the time being in force, and shall hold their situations under the rules in force with regard to subordinate revenue officers.

---

[1] These words were substituted for the words " assign to him " by s. 9 (*1*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] The words " of this Act " were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[3] This paragraph was added by s. 9 (*1*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[4] The words " The portion of a táluqá in the charge of a Mahálkari shall be called a Mahál " and the words " The present maháls shall remain as they are, for the purposes of this Act, until altered by the Governor in Council " were repealed by s. 9 (*2*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), and the Amending Act, 1895 (16 of 1895), respectively.

Nothing in this section shall be held to affect any subsisting rights of holders of alienated villages or others in respect of the appointment of Patels and Village Accountants in any alienated or other villages. Saving the rights of holders of alienated villages.

17. Subject to the general orders of Government and of the Commissioner, the Collector shall prescribe from time to time what registers, accounts, and other records shall be kept by the Village Accountant [1]* * *. Village Accountant to keep such records as he may be required to keep by the Collector;

It shall also be the duty of the Village Accountant to prepare, whenever called upon by the Patel of his village, or by any superior Revenue or Police officer of the taluka or district to do so, all writings connected with the concerns of the village which are required either for the use of Government or the public, such as notices, reports of inquests, and depositions and examinations in criminal matters. and to prepare public writings.

18. For the purposes of Chapters VIII, IX and X [2]* * *, the Governor in Council may appoint such officers as may from time to time appear necessary. Such officers shall be designated "Commissioner of Survey," "Superintendent of Survey," "Survey Settlement Officers," and "Assistant," or otherwise as may seem requisite, and shall be subordinated the one to the other in such order as the Governor in Council may direct. Survey Officers;

Subject to the orders of the Governor in Council the officers so appointed are vested with the cognizance of all matters connected with survey and settlement, and shall exercise all such powers and perform all such duties as may be prescribed by this or any other law for the time being in force. their duties and powers.

19. It shall be lawful for the Governor in Council to appoint one and the same person, being otherwise competent according to law, to any two or more of the offices provided for in this chapter or to confer upon an officer of one denomination all or any of the powers or duties of any other officer or officers within certain local limits or otherwise as may seem expedient. Combination of offices.

20. The appointment of all officers mentioned in sections 4 to 13 and 18 and 19 shall be duly notified. Certain officers' appointments to be notified.

Any officer appointed to act temporarily for any such officer shall exercise the same powers and perform the same duties as might be performed or exercised by the officer for whom he is so appointed to act. Acting appointments.

---

[1] The words "and pending the first issue of orders under this section, the Village Accountant shall continue to keep all such registers, accounts and other records as he may hitherto have been required to keep" were repealed by the Amending Act, 1895 (16 of 1895), Vol. I of this Code.

[2] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

Establishments.

21. Subject to rules [1]* * made under section 214, the appointment of all members of the establishments of the undermentioned officers shall, unless otherwise directed by Government, be made by those officers respectively, *viz*:—

the Commissioners,
the Collectors,
the Commissioner of Survey,
the Superintendent of Survey,
the Survey Settlement Officer.

The appointment of all members of the establishments of all other officers mentioned in the foregoing sections of this chapter shall be made in their respective departments by the Collector and the Superintendent of Survey, provided that it shall be lawful for them to delegate such portion of this power as they may deem fit to any subordinate officer, but subject to the retention of a right of revision at any time of the appointments that may be made by such subordinate officers.

Seals.

22. The Governor in Council shall from time to time by notification prescribe what revenue officers shall use a seal, and what size and description of seal shall be used by each of such officers.

[2]* * * * * *

CHAPTER III.

OF THE SECURITY TO BE FURNISHED BY CERTAIN REVENUE OFFICERS AND THE LIABILITY OF PRINCIPALS AND SURETIES.

Governor in Council to direct what officers shall furnish security, and to what amount.

23. It shall be lawful for Government to direct that such revenue officers as it deems fit shall, previously to entering upon their office, furnish security to such amount as Government may in each case deem expedient, either by deposit of Government paper duly endorsed, accompanied by a power to sell, or in the form contained in Schedule B [3]* * *.

The amount for which such security shall be furnished may be varied, from time to time, by order of Government, which shall also determine the number of sureties to be required when security is taken in the form of Schedule B.

---

[1] The words "or orders" were repealed by s. 10 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] The words "Pending the issue of the first orders under this section, the seals hitherto used shall continue to be used by such officers as have used them" were repealed by the Amending Act, 1895 (16 of 1895), Vol. I of this Code.

[3] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

Fresh or additional security.

24. The Collector or the Superintendent of Survey may, at any time after security has been given by a revenue officer subordinate to him, if it appears to him that the security taken is unsatisfactory, or if the officer is transferred to an office for which larger security is required, or for other sufficient reason, demand fresh or additional security, and in case of the officer failing to give such security within one month after its being required of him may suspend or dismiss him: Provided always that no greater security shall be demanded than is required by the orders of Government under the last preceding section.

Demands for money, papers, etc., to be made known in writing to the person concerned;

25. The Collector or the Superintendent of Survey or any other officer deputed by the Collector or Superintendent of Survey for this purpose shall, in all cases in which he may have a claim on any revenue officer or on any person formerly employed as such in his department or district for public money or papers or other Government property, by writing under his official seal, if he use one, and signature, require the money, or the particular papers or property detained to be delivered either immediately to the person bearing the said writing, or to such person on such date and at such place as the writing may specify.

who may be arrested and confined in jail if he fail to produce them.

If the officer or other person aforesaid shall not discharge the money, or deliver up the papers or property as directed, he may cause him to be apprehended, and may send him with a warrant, in the form of Schedule C, to be confined in the civil jail till he discharges the sums or delivers up the papers or property demanded from him:

Provided that no person shall be kept in confinement for more than a month.

Provided that no person shall be detained in confinement by virtue of any such warrant for a longer period than one calendar month.

Public moneys may also be recovered as arrears of revenue;

26. The Collector of his own motion, if the officer or other person is or was serving in his department and district, and upon the application of the Superintendent of Survey, if such officer or person is or was serving in the survey department in his district, may also take proceedings to recover any public moneys due by him in the same manner and subject to the same rules as are laid down in this Act for the recovery of arrears of land revenue from defaulters, and for the purpose of recovering public papers or other property appertaining to Government may issue a search warrant and exercise all such powers with respect thereto as may be lawfully exercised by a Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure.[1]

and search warrant may be issued for recovery of papers or property.

Persons in possession of public moneys, etc.,

It shall be the duty of all persons in possession of such public moneys, papers or other property appertaining to Government to make over the

[1] *See* now Act 5 of 1898, General Acts, Vol. V.

bound to give them up.

same forthwith to the Collector, and every person knowing where any such property is concealed shall be bound to give information of the same to the Collector.

Surety to be liable in the same manner as principal.

27. The surety or sureties of such officer or other person as is aforesaid, who may enter into a bond, in the form of Schedule B, shall be liable to be proceeded against jointly and severally in the same manner as his or their principal is liable to be proceeded against, in case of default, and notwithstanding such principal may be so proceeded against:

Extent of liability.

Provided always that in any case of failure to discharge or make good any sum of money due to Government or to produce any property of Government of ascertained value no greater sum than is sufficient to cover any loss or damage which the Government may actually sustain by the default of the principal, shall be recovered from the surety or sureties as the amount which may be due from such surety or sureties under the terms of the security bond executed by him or them:

Sureties not liable to imprisonment, if penalty be paid.

And provided also that the said surety or sureties shall in no case be liable to imprisonment in default of producing public papers or property, if he or they pay into the Government treasury the whole or such part of the penalty named in the bond as may be demanded.

An officer or surety in jail may, by furnishing certain security, obtain his release.

28. If an officer or other person as aforesaid or his surety or sureties against whom a demand is made, shall give sufficient security in the form of Schedule D, the Collector shall cause such officer or surety if in custody to be liberated, and counter-mand the sale of any property that may have been attached, and restore it to the owner.

Liability of surety not affected by death of principal or by his taking a differefft appointment.

29. The liability of the surety or sureties shall not be affected by the death of a principal, or by his appointment to a situation different from that which he held when the bond was executed, but shall continue so long as the principal occupies any situation in which security is required under section 23, and until his bond is cancelled.

Liability of heirs of deceased officer.

The heirs of a deceased officer shall be liable by suit in the Civil Court for any claims which Government may have against the deceased, in the same way as they would be for similar claims made by an individual.

How surety may withdraw from further liability.

30. Any surety, whether under a separate or joint bond, may withdraw from his suretyship at any time on his stating, in writing, to the officer to whom the bond has been given, that he desires so to withdraw; and his responsibility under the bond shall cease after sixty days from the date on which he gives such writing as to all demands upon his principal concerning moneys, papers or other property for which his principal may become chargeable after the expiration of such period of

sixty days, but shall not cease as to any demands for which his principal may have become liable before the expiration of such period, even though the facts establishing such liability may not be discovered till afterwards.

CHAPTER IV.

OF CERTAIN ACTS PROHIBITED TO REVENUE OFFICERS, AND OF THEIR PUNISHMENT FOR MISCONDUCT.

31. No revenue officer shall, except with the express permission of Government, or of the Collector, or Superintendent of Survey to whom he is subordinate,— Prohibited acts.

(*1*) engage in trade, or be in any way concerned, directly or indirectly, either as principal or agent, in any commercial transaction whatever; Not to trade.

(*2*) purchase or bid either in person or by agent, or in his own name or in the name of another, or jointly or in shares with others, for any property which may under the provisions of this Act or of any other law for the time being in force be sold by order of any revenue or judicial authority in the district in which such officer is at the time employed; Not to purchase at public sale.

(*3*) hold directly or indirectly any farm or be in any way concerned on his private account in the collection of payment of revenue of any kind in the district in which he is at the time employed; Not to be concerned in the revenue.

and no revenue officer shall—

(*4*) derive either for himself or for any other individual any profit or advantage beyond his lawful salary or emolument from any public money or property with the collection or charge of which he is entrusted or connected; or Not to make private use of public money or property.

(*5*) demand or receive under the colour or by the exercise of his authority as such revenue officer, or by way of gratification or otherwise, or knowingly permit any other person to demand or receive on his behalf any sum or any consideration whatever over and above what he is legally entitled to demand or receive under the provisions of this Act or of any other law for the time being in force. Not to make or receive undue exactions or presents.

32. Subject to rules [1]* * made under section 214, all revenue officers may be fined, reduced, suspended, or dismissed for any such offence as is described in the last preceding section, or for any breach of Power of fining, reducing, suspending, and

[1] The words "or orders" were repealed by s. 10 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

dismissing in whom to vest.

departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct by the authority by whom such officer is appointed; or by any authority superior to such authority; and this power may be delegated by such first-mentioned authority, in whole or in part, to any subordinate officer on the same condition that the power of appointment may be delegated under section 21:

A revenue officer, whose monthly salary exceeds Rs. 250, to be fined, etc., only by order of the Governor in Council.

Provided that, excepting Mamlatdars, no revenue officer, whose monthly salary exceeds Rs. 250, shall be fined, suspended, reduced, or dismissed except by order of the Governor in Council.

All such orders to be made in writing.

33. When any revenue officer passes an order for fining, reducing, suspending, or dismissing any subordinate officer, he shall record such order or cause the same to be recorded together with the reasons therefor in writing under his signature in the language of the district or in English

Fine not to exceed two months' pay;

34. No fine inflicted under the foregoing provisions shall in any case exceed the amount of two months' pay of the office held by the offender at the time of the commission of the offence.

how recovered.

All fines inflicted under this chapter may be recovered from the officer's pay or, if necessary, may be realized in the same way as arrears of land revenue are recoverable under this Act.

Appeals.

35. If the Collector or Superintendent of Survey, whether of his own motion or on appeal from a subordinate officer's order, pass an order for fining, reducing, suspending or dismissing any revenue officer subordinate to him whose monthly salary does not exceed thirty-five rupees, or

if any authority superior to the Collector or Superintendent of Survey pass any such order against a revenue officer whose monthly salary does not exceed ninety-nine rupees, no appeal shall lie against such order, except and provided always that at least one appeal shall lie against every order made, of his own motion, by any authority other than Government, for dismissing an officer whose monthly salary exceeds thirty-five rupees.

And no appeal shall lie against any order for inflicting a fine not exceeding one rupee.

An officer's liability to criminal prosecution not affected by this Act.

36. Nothing in this chapter shall affect any officer's liability to a criminal prosecution for any offence with which he may be charged.

Any officer subjected to such prosecution may be suspended pending the trial, and at its close may, upon a consideration of the circumstances brought to light during its course, be suspended, reduced, or dismissed by any competent authority whether he have been found guilty or not.

Officer may be suspended during trial, and subsequently suspended, reduced, or dismissed.

CHAPTER V.

OF LAND AND LAND REVENUE.

[1][**37.** (*1*)] All public roads, lanes and paths, the bridges, ditches, dikes, and fences, on, or beside, the same, the bed of the sea and of harbours and creeks below high-water-mark, and of rivers, streams, nallas, lakes, and tanks, and all canals, and water-courses, and all standing and flowing water, and all lands wherever situated, which are not the property of individuals, or of aggregates of persons legally capable of holding property, and except in so far as any rights of such persons may be established in or over the same, and except as may be otherwise provided in any law for the time being in force are and are hereby declared to be, with all rights in or over the same, or appertaining thereto, the property of Government; and it shall be lawful for the Collector, subject to the orders of the Commissioner, to dispose of them in such manner as he may deem fit, or as may be authorized by general rules sanctioned by Government, subject always to the rights of way, and all other rights of the public or of individuals legally subsisting.

All public roads, etc. and all lands which are not the property of others, belong to Government.

Explanation.—In this section "high-water-mark" means the highest point reached by ordinary spring-tides at any season of the year.

[1][(*2*) Where any property or any right in or over any property is claimed by or on behalf of Government or by any person as against Government, it shall be lawful for the Collector or a survey officer, after formal inquiry of which due notice has been given, to pass an order deciding the claim.]

[1][(*3*) Any suit instituted in any Civil Court after the expiration of one year from the date of any order passed [2]* * * under sub-section (*1*) or sub-section (*2*), or, if one or more appeals have been made against such order within the period of limitation, then from the date of any order passed by the final appellate authority, as determined according to section 204, shall be dismissed (although limitation has not been set up as a

[1] The original s. 37 was numbered sub-section (*1*) of s. 37 and sub-sections (*2*) and (*3*) were added by s. 1 of the Bombay Land-revenue Code (Amendment) Act, 1912 (Bom. Act 11 of 1912), Vol. V of this Code.

[2] The words "by the Collector" were omitted by Second Schedule of the Bombay Repealing and Amending Act, 1919 (Bom. Act 2 of 1919), Vol. V of this Code.

defence) if the suit is brought to set aside such order or if the relief claimed is inconsistent with such order, provided that in the case of an order under sub-section (*2*) the plaintiff has had due notice of such order.]

[1][(*4*) Any person shall be deemed to have had due notice of an inquiry or order under this section if notice thereof has been given in accordance with rules made in this behalf by the Governor in Council.]

Lands may be assigned for special purposes, and

when assigned shall not be otherwise used without sanction of the Collector.

38. Subject to the general orders of Government, it shall be lawful for survey officers whilst survey operations are proceeding under Chapter VIII [2]* * *, and at any other time for the [3][Collector], to set apart lands the property of Government and not in the lawful occupation of any person or aggregate of persons, in unalienated villages or unalienated portions of villages, for free pasturage for the village cattle, for forest reserves, or for any other public or municipal purpose; and lands assigned specially for any such purpose shall not be otherwise [4][used] without the sanction of the [3][Collector]; and in the disposal of land under section 37 due regard shall be had to all such special assignments.

Regulation of use of pasturage.

39. The right of grazing on free pasturage-lands shall extend only to the cattle of the village or villages to which such lands belong or have been assigned, and shall be regulated by rules to be from time to time, either generally or in any particular instance, prescribed by the Collector with the sanction of the Commissioner. The Collector's decision in any case of dispute as to the said right of grazing shall be conclusive.

Concession of Government rights to trees in case of settlements completed before the passing of this Act.

40. In villages, or portions of villages, of which the original survey settlement has been completed before the passing of this Act, the right of Government to all trees in unalienated land, except trees reserved by Government, or by any survey officer, whether by express order made at, or about the time of such settlement, or under any rule, or general order in force at the time of such settlement, or by notification made and published at, or at any time after, such settlement, shall be deemed to have been conceded to the occupant. But in the case of settlements completed before the passing of Bombay Act I of 1865[5] this provision shall not apply to teak, black-wood or sandal-wood trees. The right of Government

---

[1] Sub-section (*4*) was added by s. 1 of the Bombay Land-revenue Code (Amendment) Act, 1912 (Bom. Act 11 of 1912), Vol. V of this Code.

[2] The words " of this Act " were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[3] This word was substituted for the word " Commissioner " by s. 2 (*1*) of the Bombay Repealing and Amending Act, 1905 (Bom. Act 4 of 1905), Vol. IV of this Code.

[4] This word was substituted for the words " appropriated or assigned " by s. 11 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[5] Bom. Act 1 of 1865 (except ss. 37 and 38) is repealed by s. 2 of this Act, which has been repealed by Bom. Act 4 of 1913, Vol. V of this Code.

to such trees shall not be deemed to have been conceded, except by clear and express words to that effect.

Concession of Government rights to trees in case of settlements completed after the passing of this Act.

In the case of villages or portions of villages of which the original survey settlement shall be completed after the passing of this Act, the right of Government to all trees in unalienated land shall be deemed to be conceded to the occupant of such land except in so far as any such rights may be reserved by Government, or by any survey officer on behalf of Government, either expressly at or about the time of such settlement, or generally by notification made and published at any time previous to the completion of the survey settlement of the district in which such village or portion of a village is situate.

Ditto in case of land taken up after completion of settlement.

When permission to occupy land has been, or shall hereafter be, granted after the completion of the survey settlement of the village or portion of a village in which such land is situate, the said permission shall be deemed to include the concession of the right of Government to all trees growing on that land which may not have been, or which shall not hereafter be, expressly reserved at the time of granting such permission, or which may not have been reserved, under any of the foregoing provisions of this section, at or about the time of the original survey settlement of the said village or portion of a village.

Government trees and forests.

41. The right to all trees specially reserved under the provision of the last preceding section, and to all trees, brushwood, jungle, or other natural product growing on land set apart for forest reserves under section 32 of Bombay Act I of 1865[1] or section 38 of this Act, and to all trees, brushwood, jungle or other natural product, wherever growing, except in so far as the same may be the property of individuals or of aggregates of individuals capable of holding property, vests in Government; and such trees, brushwood, jungle or other natural product shall be preserved or disposed of in such manner as Government may from time to time direct.

Road-side trees.

42. [2][All road-side trees which have been planted and reared by, or under the orders of, or at the expense of, Government, and all trees which have been planted and reared at the expense of Local Funds by the side of any road, which vests in Government, vest in Government.] But in the event of such trees dying, or being blown down, or being cut down by order of the Collector, the timber shall become the property of the holder of the land in which they were growing; and the usufruct, including the loppings of such trees, shall also vest in the said holder;

---

[1] Bom. Act 1 of 1865 (except ss. 37 and 38) is repealed by s. 2 of this Act, which has been repealed by Bom. Act 4 of 1913, Vol. V of this Code.

[2] These words were substituted for the words "All road-side trees which have been planted and reared by, or under the orders of, or at the expense of, Government, or at the expense of local funds, vest in Government" by s. 12 (*a*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

provided that the trees shall not be lopped except under the orders of the Collector.

[1]* * * * * *

Recovery of value of trees, etc., unauthorizedly appropriated.

43. Any person who shall unauthorizedly fell and appropriate any tree or any portion thereof or remove [2][from his holdings] any other natural product [2][whether of the like description or not] which is the property of Government, shall be liable to Government for the value thereof, which shall be recoverable from him as an arrear of land revenue, in addition to any penalty to which he may be liable under the provisions of this Act for the occupation of the land or otherwise; and notwithstanding any criminal proceedings which may be instituted against him in respect of his said appropriation of Government property.

The decision of the Collector as to the value of any such tree, or portion thereof, or other natural product, shall be conclusive.

Regulation of supply of fire-wood and timber for domestic or other purposes.

44. In villages or lands in which the rights of Government to the trees have been reserved under section 40 subject to certain privileges of the villagers or of certain classes or persons to cut fire-wood or timber for domestic or other purposes, and in lands which have been set apart under section 38 for forest reserves subject to such privileges, and in all other cases in which such privileges exist in respect of any alienated land, the exercise of the said privileges shall be regulated by rules to be from time to time, either generally or in any particular instance, prescribed by the Collector or by such other officer as Government may direct. In any case of dispute as to the mode or time of exercising any such privileges the decision of the Collector or of such other officer shall be conclusive.

All land liable to pay revenue unless specially exempted.

45. All land, whether applied to agricultural or other purposes, and wherever situate, is liable to the payment of land revenue to Government according to the rules hereinafter enacted except such as may be wholly exempted under the provisions of any special contract with Government or any law for the time being in force.

And special exemption may in case of necessity be overruled for a time.

But nothing in this Act shall be deemed to affect the power of the Legislature to direct the levy of revenue on all lands under whatever title they may be held whenever and so long as the exigencies of the State may render such levy necessary.

Liability of alluvial lands to land revenue.

46. All alluvial lands, newly-formed islands, or abandoned river-beds which vest, under any law for the time being in force in any holder of alienated land, shall be subject in respect of liability to the payment of

---

[1] The last two paragraphs were repealed by s. 12 (*b*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] These words were inserted by the Bombay Repealing and Amending Act, 1905 (Bom. Act 4 of 1905), Vol. IV of this Code.

land revenue to the same privileges, conditions, or restrictions as are applicable to the original holding in virtue of which such lands, islands, or river-beds so vest in the said holder, but no revenue shall be leviable in respect of any such lands, islands, or river-beds until or unless the area of the same exceeds half an acre and also exceeds one-tenth of the area of the said original holding.

Assessment of land revenue in cases of diluvion.

47. Every holder of land paying revenue in respect thereof shall be entitled, subject to such rules as may be from time to time made in this behalf by the Governor in Council, to a decrease of assessment if any portion thereof, not being less than half an acre in extent, [1]* * * is lost by diluvion.

[2]* * * * * *

Manner of assessment and alteration of assessment. Prohibition of use of land for certain purposes.

[3][**48.** (*1*) The land revenue leviable on any land under the provisions of this Act shall be assessed, or shall be deemed to have been assessed, as the case may be, with reference to the use of the land—

(*a*) for the purpose of agriculture,

(*b*) for the purpose of building, and

(*c*) for a purpose other than agriculture or building.

(*2*) Where land assessed for use for any purpose is used for any other purpose, the assessment fixed under the provisions of this Act upon such land shall, notwithstanding that the term for which such assessment may have been fixed has not expired, be liable to be altered and fixed at a different rate by such authority and subject to such rules as the Governor in Council may prescribe in this behalf.

(*3*) Where land held free of assessment on condition of being used for any purpose is used at any time for any other purpose, it shall be liable to assessment.

(*4*) The Collector or a survey officer may, subject to any rules made in this behalf under section 214, prohibit the use for certain purposes of any unalienated land liable to the payment of land revenue, and may summarily evict any holder who uses or attempts to use the same for any such prohibited purpose.]

Commuted assessment of land indirectly taxed to the State.

49. When it has been customary to levy any special or extra cess, fine, or tax, however designated, from any holder of land, which, though nominally wholly or partially exempt from the payment of land revenue,

---

[1] The words "nor less than one-tenth of the holding" were repealed by s. 13 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] The definition of "holding" was repealed by *ibid.*

[3] Section 48 was substituted by s. 14, *ibid.*

has by the exaction of such cess, fine, or tax been indirectly taxed to the State,

and of land liable to occasional assessment.

or when any land ordinarily, or under certain circumstances, wholly or partially exempt from assessment, is subject occasionally, or under particular circumstances, to the payment of assessment, or of any cess or tax however designated,

the said assessment, cess, fine, or tax may be commuted into an annual assessment on the land to be paid under all circumstances, but such commuted assessment shall not exceed such amount as the Commissioner shall deem to be a fair equivalent of the assessment, cess, fine, or tax for which it is substituted and shall not be in excess of the assessment to which the land would be ordinarily subject, if no right to exemption existed in respect thereof.

Superior holder may recover commuted assessment from inferior holder.

50. Whenever any such cess, fine, or tax hitherto payable by an inferior holder shall be made leviable from the superior holder, it shall be lawful for such superior holder to recover from such inferior holder the amount of the commuted assessment fixed in lieu of such cess, fine or tax.

Excess of assessment may be laid on land inadequately assessed held with it.

51. When it has been customary to levy a larger revenue under the name of "*veta*" or any other designation, upon any portion of land than such portion would ordinarily be liable to in consideration of other land being held with it which is wholly or partially exempt from payment of revenue, the excess of revenue payable on the said portion of land may be charged upon the land hitherto held wholly or partially exempt.

Assessment by whom to be fixed.

[1][**52.** On all lands which are not wholly exempt from the payment of land revenue, [2][and] on which the assessment has not been fixed under the provisions of section 102 or 106, the assessment of the amount to be paid as land revenue shall, subject to rules [3]* * made in this behalf under section 214, be fixed at the discretion of the Collector, for such period as he may, [4]* * * * be authorized to prescribe, and the amounts due according to such assessment shall be levied on all such lands:

Proviso.

Provided that in the case of lands partially exempt from land revenue, or the liability of which to payment of land revenue is subject to special conditions or restrictions, respect shall be had in the fixing of the assess-

---

[1] Section 52 was substituted by the Bombay Land Revenue Code Amendment Act, 1901 (Bom. Act 6 of 1901), Vol. IV of this Code.

[2] This word was substituted for the word "or" by the Bombay Repealing and Amending Act, 1905 (Bom. Act 4 of 1905), Vol. IV of this Code.

[3] The words "or orders" were repealed by s. 15 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[4] The words "by general or special orders of Government in this behalf" were repealed by *ibid.*

ment and the levy of the revenue to all rights legally subsisting, according to the nature of the said rights.[1]]

Register of alienated lands.

53. A Register shall be kept by the Collector in such form as may from time to time be prescribed by the Governor in Council of all lands, the alienation of which has been established or recognized under the provisions of any law for the time being in force; and when it shall be shown to the satisfaction of the Collector that any sanad granted in relation to any such alienated lands has been permanently lost or destroyed, he may, subject to the rules and the payment of the fees prescribed by the Governor in Council under section 213, grant to any person whom he may deem entitled to the same a certified extract from the said Register, which shall be endorsed by the Collector to the effect that it has been issued in lieu of the sanad said to have been lost or destroyed, and shall be deemed to be as valid a proof of title as the said sanad.

Settlement of assessment to be made with the holder directly from Government.

54. The settlement of the assessment of each portion of land, or survey number, to the land revenue, shall be made with the person who, under section 136, is primarily responsible to Government for the same.

[2]* * * * * *

Rates for the use of water.

55. The Governor in Council may authorize the Collector or the officer in charge of a survey or such other officer as he deems fit to fix such rates as he may from time to time deem fit to sanction, for the use, by landholders and other persons, of water, the right to which vests in Government, [3][and in respect of which no rate is leviable under the Bombay Irrigation Act, 1879]. Such rates shall be liable to revision at such periods as Government shall from time to time determine, and shall be recoverable as land revenue.

Bom. Act VII of 1879.

Land revenue to be a paramount charge on the land.

56. Arrears of land revenue due on account of land by any landholder shall be a paramount charge on the holding and every part thereof, failure in payment of which shall make the occupancy or alienated holding together with all rights of the occupant or holder over all trees, crops, buildings and things attached to the land or permanently fastened to anything attached to the land, liable to forfeiture, whereupon the Collector may levy all sums in arrear by sale of the occupancy or alienated

---

[1] The validity of past assessments purporting to have been fixed under s. 52 is saved by s. 5 of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. Act 6 of 1901), Vol. IV of this Code.

[2] The second paragraph was repealed by s. 16 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[3] These words and figures were substituted for the words " or which has been made available in consequence of the construction, improvement, or repair of any irrigational or other work by or at the instance of Government " by s. 2 of the Bombay Irrigation Act, 1879 (Bom. Act 7 of 1879), *infra*.

holding, [1] * * * or may otherwise dispose of such occupancy or alienated holding under rules [2] * made in this behalf under section 214, [3][and such occupancy or alienated holding when disposed of, whether by sale as aforesaid, or by restoration to the defaulter, or by transfer to another person or otherwise howsoever, shall, unless the Collector otherwise directs, be deemed to be freed from all tenures, rights, incumbrances and equities theretofore created in favour of any person other than Government in respect of such occupancy or holding].

Forfeited holdings may be taken possession of and otherwise disposed.

57. It shall be lawful for the Collector in the event of the forfeiture of a holding through any default in payment or other failure occasioning such forfeiture under the last section or any law for the time being in force, to take immediate possession of [4] * * * * such holding, and to dispose of the same by placing it in the possession of the purchaser or other person entitled to hold it according to the provisions of this Act or any other law for the time being in force.

Receipts.

[5][**58.** (*1*) Every revenue officer and every hereditary patel and every hereditary village accountant receiving payment of land revenue shall give a written receipt for the same.

(*2*) Every superior holder of an alienated village or of an alienated share of a village who is entitled to recover direct from an inferior holder any sum due on account of rent or land revenue shall give to such inferior holder a written receipt for the same.

(*3*) Every hereditary patel and hereditary accountant who receives, in behalf of a superior holder of an alienated village or of an alienated share of a village, any rent or land revenue from an inferior holder shall give to such inferior holder a written receipt for the same. Such receipt shall be a full discharge to such inferior holder for such rent or land revenue as against such superior holder. A copy of such receipt shall in every case be sent to the superior holder by such patel or accountant.]

Penalty for failure to grant receipts.

59. Any person convicted of a breach of the provisions of the last preceding section after summary inquiry before the Collector shall be liable to a fine not exceeding three times the amount received for which a receipt was not duly granted, and one-half of the fine may, at the discretion of the Collector, be paid to the informer, if any. Such inquiry may at any time be instituted by the Collector of his own motion without any complaint being preferred to him.

---

[1] The words " freed from all tenures, incumbrances and rights created by the occupant or holder or any of his predecessors in title, or in any wise subsisting as against such occupant, or holder " were repealed by s. 6 of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. Act 6 of 1901), Vol. IV of this Code.

[2] The words " or orders " were repealed by s. 17 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[3] These words were added by s. 6 of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. Act 6 of 1901), Vol. IV of this Code.

[4] The words " the land embraced within " were repealed by s. 18 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[5] Section 58 was substituted by s. 2, 1st Sch., Part II, serial No. 3 of the Bombay Repealing and Amending Act, 1910 (Bom. Act 1 of 1910), Vol. V of this Code.

CHAPTER VI.

[1][Of the Grant, Use and Relinquishment of Unalienated Land.]

Written permission of Mamlatdar or Mahalkari required previous to taking up unoccupied land.

60. Any person desirous of taking up unoccupied land which has not been alienated must, previously to entering upon occupation, obtain the permission in writing of the Mamlatdar or Mahalkari.

Penalties for unauthorized occupation of land.

61. [2][Any person who shall unauthorizedly enter upon occupation of any land set apart for any special purpose, or any unoccupied land which has not been alienated, and any person who uses or occupies any such land to the use or occupation of which by reason of any of the provisions of this Act he is not entitled or has ceased to be entitled, shall,]

if the land which he unauthorizedly occupies forms part of an assessed survey number, pay the assessment of the entire number for the whole period of his [3][unauthorized] occupation, and

if the land so occupied by him has not been assessed, such amount of assessment as would be leviable for the said period in the same village on the same extent of similar land [4][used for] the same purpose;

and shall also be liable, at the discretion of the Collector, to a fine not exceeding five rupees, or a sum equal to ten times the amount of assessment payable by him for one year, if such sum be in excess of five rupees, if he have taken up the land for purposes of cultivation, and not exceeding such limit as may be fixed in rules [5]* * made in this behalf under section 214, if he have [6][used it for] any non-agricultural purpose.

The Collector's decision as to the amount of assessment payable for the land unauthorizedly occupied shall be conclusive, and in determining its amount occupation for [7][a portion] of a year shall be counted as for a whole year.

---

[1] This heading was substituted for the original heading "Of the occupation of unalienated land and the rights of occupants" by s. 19 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] These words were substituted for the words "Any person who shall unauthorizedly occupy any land set apart for any special purpose or any unoccupied land which has not been alienated shall" by s. 2 of the Bombay Land Revenue Code (Amendment) Act, 1921 (Bom. Act 3 of 1921), Vol. V of this Code.

[3] This word was inserted by *ibid.*

[4] These words were substituted for the words "appropriated to" by s. 20 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[5] The words "or orders" were repealed by *ibid.*

[6] These words were substituted for the words "appropriated it to" by *ibid.*

[7] These words were substituted for the words "an incomplete portion" by the Amending Act, 1895 (16 of 1895), Vol. I of this Code.

The person unauthorizedly occupying any such land may be summarily evicted by the Collector, and any crop [1]* * * raised on the land shall be liable to forfeiture, and any building or other construction [1]* * * erected thereon shall also, if not removed by him after such written notice as the Collector may deem reasonable, be liable to forfeiture, [2][or to summary removal].

Forfeitures under this section shall be adjudged by the Collector, and any property so forfeited shall be disposed of as the Collector may direct [2][and the cost of the removal of any encroachment under this section shall be recoverable as an arrear of land-revenue].

Unoccupied land may be granted on conditions.

[3][**62.** It shall be lawful for the Collector subject to such rules as may from time to time be made by the Governor in Council in this behalf, to require the payment of a price for unalienated land or to sell the same by auction, and to annex such conditions to the grant as he may deem fit, before permission to occupy is given under section 60. The price (if any) paid for such land shall include the price of the Government right to all trees not specially reserved under the provisions of section 40, and shall be recoverable as an arrear of land revenue.]

Grant of alluvial land vesting in Government.

[3][**63.** When it appears to the Collector that any alluvial land, which vests under any law for the time being in force in Government, may with due regard to the interests of the public revenue be disposed of, he shall offer the same to the occupant (if any) of the bank or shore on which such alluvial land has formed.

The price of the land so offered shall not exceed three times the annual assessment thereof.

If the said occupant shall refuse the offer, the Collector may dispose of the land without any restrictions as to the price to be asked.

For the purposes of this section, notwithstanding anything contained in section 3, if the bank or shore has been mortgaged with possession, the mortgagor shall be deemed to be the occupant thereof.]

Temporary right to alluvial lands of small extent.

64. When alluvial land forms on any bank or shore, the occupant, if any, of such bank or shore shall be entitled to the temporary use [4]* *

---

[1] The words " he may have " were repealed by s. 7 of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. Act 6 of 1901), Vol. IV of this Code.

[2] These words were added by the first Schedule of the Bombay Repealing and Amending Act, 1919 (Bom. Act 2 of 1919), Vol. V of this Code.

[3] Sections 62 and 63 were substituted by ss. 21 and 22, respectively, of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[4] The words " and occupation " were repealed by s. 23, *ibid.*

thereof unless or until the area of the same exceeds [1][one] acre [2]* * * *. When the area of the alluvial land exceeds the said extent, it shall be at the disposal of the Collector, subject to the provisions of the last preceding section.

[3]* * * * * *

Uses to which occupant of land for purposes of agriculture may put his land.

65. An occupant of land [4][assessed or held for the purpose of agriculture] is entitled by himself, his servants, tenants, agents, or other legal representatives, to erect farm-buildings, construct wells or tanks, or make any other improvements thereon for the better cultivation of the land, or its more convenient [5][use for the purpose aforesaid].

Procedure if occupant wishes to apply his land to any other purpose.

But, if any occupant [6][wishes to use his holding or any part thereof for any other purpose] the Collector's permission shall in the first place be applied for by the [7]* occupant.

[8][The Collector, on receipt of such application,

(*a*) shall send to the applicant a written acknowledgment of its receipt, and

(*b*) may, after due inquiry, either grant or refuse the permission applied for:

Provided that, where the Collector fails to inform the applicant of his decision on the application within a period of three months, the permission applied for shall be deemed to have been granted; such period shall, if the Collector sends a written acknowledgment within seven days from the date of receipt of the application, be reckoned from the date of the acknowledgment, but in any other case it shall be reckoned from the date of receipt of the application.]

---

[1] This word was substituted for the words "half an" by s. 23 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] The words "and also exceeds one-tenth of the area of his holding" were repealed by *ibid.*

[3] The second paragraph was repealed by *ibid.*

[4] These words were substituted for the words "appropriated for the purposes of agriculture" by s. 24 (*a*), *ibid.*

[5] These words were substituted for the words "occupation for the purposes aforesaid" by *ibid.*

[6] These words were substituted for the words "wishes to appropriate his holding or any part thereof to any other purpose" by *ibid.*

[7] The word "registered" was repealed by s. 24 (*b*), *ibid.*

[8] This paragraph was substituted for the original paragraph by serial No. 4, Pt. II of Sch. II of the Bombay Repealing and Amending Act, 1910 (Bom. Act 1 of 1910), Vol. V of this Code.

Unless the Collector shall in particular instances otherwise direct, no such application shall be recognized except it be made by the [*1] occupant.

Fine to be levied for such use in addition to special assessment.

When any such land is thus [2][permitted to be used for any purpose unconnected with agriculture] it shall be lawful for the Collector, subject to the general orders of Government, to require the payment of a fine in addition to any new assessment which may be leviable under the provisions of section 48.

Penalty for so using land without permission.

66. If any such land be so [3][used] without the permission of the Collector being first obtained, or before the expiry of [4][the period prescribed by section 65], the occupant and any tenant, or other person holding under or through him, shall be liable to be summarily evicted by the Collector from the land so [3][used] and from the entire field or survey number of which it may form a part, and the [5*] occupant shall also be liable to pay, in addition to the new assessment which may be leviable under the provisions of section 48 for the period during which the said land has been so [3][used], such fine as the Collector may, subject to the general orders of Government, direct.

Tenant responsible to occupant in damages.

Any [6*] [*], [*] tenant of any occupant or any other person holding under or through an occupant, who shall without the [5*] occupant's consent [7][use any such land for] any such purpose, and thereby render the said [5*] occupant liable to the penalties aforesaid, shall be responsible to the said [5*] occupant in damages.

Permission may be granted on terms.

67. Nothing in the last two preceding sections shall prevent the granting of the permission aforesaid [8*] [*] [*] on such terms [9][or con-

---

[1] The word "registered" was repealed by s. 24 (*b*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] These words were substituted for the words "appropriated to any purpose unconnected with agriculture" by s. 24 (*a*), *ibid.*

[3] This word was substituted for the word "appropriated" by s. 25 (*a*), *ibid.*

[4] These words were substituted for the words "three months from the date of the aforesaid acknowledgment" by Pt. II, Serial No. 5 of Schedule I of the Bombay Repealing and Amending Act, 1910 (Bom. Act 1 of 1910), Vol. V of this Code.

[5] The word "registered" was repealed by s. 25 (*b*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[6] The words "co-occupant or any" were repealed by *ibid.*

[7] These words were substituted for the words "appropriate any such land to" by s. 25 (*a*), *ibid.*

[8] The words "in special cases" were repealed by s. 26, *ibid.*

[9] These words were inserted by s. 8 (*1*) of the Bombay Land-revenue Code Amendment Act, 1901 (Bom. Act 6 of 1901), Vol. IV of this Code.

ditions] as may be [1][prescribed by the Collector, subject to any rules made in this behalf by the Governor in Council].

Occupant's rights are conditional.

68. An occupant is entitled to the use and occupation of his land for the period, if any, to which his [2][tenure] is limited, or if the period is unlimited, or a survey settlement has been extended to the land, in perpetuity conditionally on the payment of the amounts due on account of the land revenue for the same, according to the provisions of this Act, or of any rules made under this Act, or of any other law, for the time being in force, and on the fulfilment of any other terms [3][or conditions] lawfully annexed to his [2][tenure]:

Proviso.

[4][Provided that nothing in this or any other section shall make it, or shall be deemed ever to have made it, unlawful for the Collector at any time to grant permission to any person to occupy any unalienated unoccupied land, for such period and on such conditions as he may, subject to [5][rules made by the Governor in Council in this behalf], prescribe, and in any such case the occupancy shall, whether a survey settlement has been extended to the land or not, be held only for the period and subject to the conditions so prescribed.]

Reservation of right of Government to mines and mineral products.

69. The right of Government to mines and mineral products in all unalienated land is and is hereby declared to be expressly reserved:

Proviso.

Provided that nothing in this section shall be deemed to affect any subsisting rights of any occupant of such land in respect of such mines or mineral products.

Occupancy when not liable to process of Civil Court; the Court to give effect to Collector certificate.

70. [6]* * * * In any case where [7][an occupancy] is not transferable without the previous sanction of the Collector, and such sanction has

---

[1] These words were substituted for the words "agreed on between Government and the registered occupant" by s. 26 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] This word was substituted for the word "occupancy" by s. 27, *ibid.*

[3] These words were inserted by s. 8 (*1*) of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. Act 6 of 1901), Vol. IV of this Code.

[4] This proviso was added by s. 8 (*2*), *ibid.*

[5] These words were substituted for the words "the orders of Government" by s. 27 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[6] Certain words were repealed by s. 28 (*a*), *ibid.*

[7] These words were substituted for the words "the occupancy or interest of the occupant in the land" by s. 28 (*b*), *ibid.*

not been granted to [1][a transfer] which has been made or [2][ordered by a Civil Court] or on which the Court's decree or order is founded,

(*a*) such occupancy [3]* * shall not be liable to the process of any Court, and such transfer shall be null and void, and

(*b*) the Court, on receipt of a certificate under the hand and seal of the Collector, to the effect that any such occupancy [3]* * is not transferable without his previous sanction and that such sanction has not been granted, shall remove any attachment or other process placed on or set aside any sale of, or affecting, such occupancy [4]* * *.

71. [*Name of heir to be registered when registered occupant dies.*] *Repealed by Bom. Act IV of 1913, s. 29.*

Intestate occupancy or holding to be sold.

72. If an occupant who is either a Hindu, a Mahomedan, or a Buddhist dies intestate and without known heirs, the Collector shall dispose of his occupancy by sale, subject to the provisions of this Act or of any other law at the time in force for the sale of forfeited occupancies in realization of the land revenue, and the law at the time in force concerning property left by Hindus, Mahomedans or Buddhists, dying intestate and without known heirs shall not be deemed to apply to the said occupancy but only to the proceeds of such sale after deducting all arrears of land revenue due by the deceased to Government and all expenses of the said sale.

Occupancy to be transferable and heritable.

[5][**73.** [6][An occupancy] shall, subject to the provisions contained in section 56, and to any conditions lawfully annexed to the [7][tenure], and save as otherwise prescribed by law, be deemed an heritable and transferable property.]

Power to restrict

[8][**73A.** (*1*) Notwithstanding anything in the foregoing section, in any tract or village to which Government may, by Notification published

---

[1] These words were substituted for the words "the transfer" by s. 28 (*b*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] These words were substituted for the words "ordered by the Court" by *ibid.*

[3] The words "or interest" were repealed by s. 28 (*c*), *ibid.*

[4] The words "or interest in the land" were repealed by *ibid.*

[5] Section 73 was substituted by s. 10 of the Bombay Land Revenue Amendment Act, 1901 (Bom. Act 6 of 1901), Vol. IV of this Code.

[6] These words were substituted for the words "the right of occupancy" by s. 30 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[7] This word was substituted for the word "occupancy" by *ibid.*

[8] Section 73A was inserted by s. 11 of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. Act 6 of 1901), Vol. IV of this Code.

before the introduction therein of an original survey settlement under section 103, declare the provisions of this section applicable, [1][occupancies] shall not after the date of such Notification be transferable without the previous sanction of the Collector. right of transfer.

(2) Government may, by Notification in the Bombay Government Gazette, from time to time exempt any part of such tract or village or any person or class of persons from the operation of this section.]

[2][**74.** The occupant may relinquish his land, that is, resign it in favour of Government, but subject to any rights, tenures, incumbrances or equities lawfully subsisting in favour of any person (other than Government or the occupant), by giving notice in writing to the Mamlatdar or Mahalkari before the 31st March in any year or before such other date as may from time to time be prescribed in this behalf by the Governor in Council, and such relinquishment shall have effect from the close of the current year: Relinquishment.

Provided that no portion of land which is less in extent than a whole survey number or sub-division of a survey number may be relinquished.]

75. [*Relinquishment of lands paying lump-assessment.*] *Repealed by Bom. Act IV of 1913, s. 33 (1).*

76. The provisions of [3][the last section] shall apply, as far as may be, to the holders of alienated land: Provided that, Relinquishment of land described in paragraph 1 of section 49.

(*a*) it shall not be lawful to relinquish, as aforesaid, any portion of any land held wholly or partially exempt under the circumstances described in the first paragraph of section 49 until the commuted assessment payable in respect of such portion of land has been determined under the provisions of the said section; and that

(*b*) if any person relinquish land on which, under the circumstances described in section 51, a larger revenue is levied than would ordinarily be leviable on such land, he shall be deemed to have relinquished also the land held with it which is wholly or partially exempt from payment of revenue. Relinquishment of land described in section 51.

77. If any person relinquishes land, the way to which lies through other land which he retains, the right of way through the land so retained shall continue to the future holder of the land relinquished. Right of way to relinquished land.

---

[1] This word was substituted or the words "the occupancy or interest of the occupant in the land" by s. 31 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] Section 74 was substituted by s. 32, *ibid.*

[3] These words were substituted for the words "the two last sections" by s. 33 (2), *ibid*

Saving of operation of section 74 in certain cases.

78. Nothing in [1][section 74] shall affect—

[2]* * * * *

[2]* the validity of the terms or conditions of any lease or other express instrument under which land is, or may hereafter be, held from Government.

79. [*Occupant to continue liable for demands until occupancy relinquished.*] *Repealed by Bom. Act IV of 1913, s. 35.*

Summary eviction of person unauthorizedly occupying land.

[3][**79A.** Any person unauthorizedly occupying, or wrongfully in possession of, any land

[4][(*a*) to the use or occupation of which by reason of any of the provisions of this Act he is not entitled or has ceased to be entitled, or]

(*b*)[5][which] is not transferable without previous sanction under section 73A or by virtue of any condition lawfully [6][annexed to the tenure] under the provisions of section 62, 67 or 68,

may be summarily evicted by the Collector.]

To prevent forfeiture of occupancy certain persons other than the occupant may pay the land revenue.

80. In order to prevent the forfeiture of an occupancy under the provisions of section 56 or of any other law for the time being in force, through non-payment by the [7]* occupant of the land revenue due on account thereof, it shall be lawful for any [8][person interested] to pay on behalf of such [7]* occupant all sums due on account of land revenue, and [9][the Collector shall on due tender thereof] receive the same. And in any such case the Collector may [10][under section 86] give to the person

---

[1] The word and figures were substituted for the words and figures "sections 75 and 76" by s. 34 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] Clause (*a*) and the letter "b" were repealed by *ibid.*

[3] Section 79A was inserted by s. 12 of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. Act 6 of 1901), Vol. IV of this Code.

[4] Clause (*a*) was substituted by s. 3 of the Bombay Land Revenue Code (Amendment) Act, 1921 (Bom. Act 3 of 1921), Vol. V of this Code.

[5] This word was substituted for the words "of which the occupancy right" by s. 36 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[6] These words were substituted for the words "annexed to the occupancy" by *ibid.*

[7] The word "registered" was repealed by s. 37, *ibid.*

[8] These words were substituted for the words "co-occupant tenant, mortgagee or other person interested in the continuance of the occupancy" by s. 37 (*a*), *ibid.*

[9] These words were substituted for the words "for the Collector to" by s. 2 (*1*) and first Schedule of the Bombay Repealing and Amending Act, 1905 (Bom. Act 4 of 1905), Vol. IV of this Code.

[10] These words were inserted by s. 37 (*b*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

who has paid the land revenue as aforesaid [1][aid for the recovery of any portion of such land revenue] which he may consider to be properly payable by other persons [2]* * * : Collector may assist such persons in recovering the revenue from other parties liable therefor.

Provided that nothing authorized or done under the provisions of this section shall affect the rights of the parties interested as the same may be established in any suit between such parties in a Court of competent jurisdiction. Proviso.

81. [*When Collector may make co-occupant the registered occupant, instead of selling occupancy to realize land revenue.*] *Repealed by Bom. Act IV of 1913, s. 38.*

82. It shall be lawful for the Governor in Council by notification in the Bombay Government Gazette from time to time, Governor in Council empowered to suspend operation of section 60 or 74.

(*a*) to suspend the operation of section 60 or 74, or of both, within any prescribed local area, either generally, or in respect of cultivators or occupants of a particular class or classes, and

(*b*) to cancel any such notification.

During the period for which any notification under the above clause (*a*) is in force within any local area, such rules shall be substituted for the provisions of which the operation is suspended as the Commissioner shall from time to time direct.

CHAPTER VII.

Of Superior and Inferior Holders.

83. A person placed, as tenant, in possession of land by another, or, in that capacity, holding, taking, or retaining possession of land permissively from or by sufferance of another, shall be regarded as holding the same at the rent, or for the services agreed upon between them; or in the absence of satisfactory evidence of such agreement, at the rent payable or services renderable by the usage of the locality, or, if there be no such agreement or usage, shall be presumed to hold at such rent as, having regard to all of the circumstances of the case, shall be just and reasonable. Amount of rent payable by tenant

[1] These words were substituted for the words "such aid for the recovery of the proportional amounts" by s. 37 (*c*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] The words "in occupation of parts of a field or survey-number as he might legally have given had the persons so paying been the registered occupants" were repealed by s. 37 (*e*), *ibid.*

Duration of tenancy.

And where by reason of the antiquity of a tenancy, no satisfactory evidence of its commencement is forthcoming, and there is not any such evidence of the period of its intended duration, if any, agreed upon between the landlord and tenant, or those under whom they respectively claim title, or any usage of the locality as to duration of such tenancy, it shall, as against the immediate landlord of the tenant, be presumed to be co-extensive with the duration of the tenure of such landlord and of those who derive title under him.

Presumption as to tenure.

And where there is no satisfactory evidence of the capacity in which a person in possession of land in respect of which he renders service or pays rent to the landlord, received, holds or retains possession of the same, it shall be presumed that he is in possession as tenant.

Saving clause.

Nothing contained in this section shall affect the right of the landlord (if he have the same either by virtue of agreement, usage, or otherwise) to enhance the rent payable, or services renderable by the tenant, or to evict the tenant for non-payment of the rent or non-rendition of the services, either respectively originally fixed or duly enhanced as aforesaid.

Annual tenancy terminates on the 31st March.

84. An annual tenancy shall, in the absence of proof to the contrary, be presumed to run from the end of one cultivating season to the end of the next. The cultivating season may be presumed to end on the 31st March.

Three months' notice of termination of tenancy to be given by landlord to tenant, or *vice versâ*

An annual tenancy shall [1][in the absence of any special agreement in writing to the contrary] require for its termination a notice given in writing by the landlord to the tenant, or by the tenant to the landlord, at least three months before the end of the year of tenancy at the end of which it is intimated that the tenancy is to cease. Such notice may be in the form of Schedule E, or to the like effect.

Order granting suspensions or remissions to inferior holders.

[2][**84A.** (*1*) Whenever from any cause the payment of the whole or any part of the land revenue payable to Government by a superior holder in respect of any land is suspended or remitted, the Collector, acting under general or special orders of Government, may suspend or remit, as the case may be, the payment to such superior holder of the rent or land revenue of such land by the inferior holder or holders to an amount which—

(*a*) in the case of land in respect of which full assessment is payable to Government, shall not exceed double the amount of the land revenue of which the payment by such superior holder has been suspended or remitted by Government, and

[1] These words were inserted by s. 2 of the Bombay Land-revenue Code Amendment Act, 1914 (Bom. Act 7 of 1914), Vol. V of this Code.

[2] Section 84A was inserted by s. 3, *ibid.*

(*b*) in the case of land in respect of which land revenue less than the full assessment is payable to Government, shall not exceed double the amount which, in the opinion of the Collector, would have been suspended or remitted by Government in favour of the superior holder if the full assessment had been payable to Government in respect of such land.

(*2*) In the case of land in respect of which no land revenue is payable to Government by a superior holder, whenever from any cause the payment of the whole or any part of the land revenue payable to Government in respect of any other land in the same neighbourhood has been suspended or remitted, the Collector, acting under the general or special orders of Government, may suspend or remit, as the case may be, the payment to such superior holder of the rent or land revenue of the first-mentioned land by the inferior holder or holders to an amount which shall not exceed double the amount which, in the opinion of the Collector, would have been suspended or remitted by Government in favour of the superior holder if the full assessment had been payable to Government in respect of such land.

(*3*) An order passed under sub-section (*1*) or under sub-section (*2*) shall not be questioned in any Court. Such order not to be questioned in any Court.

(*4*) If the superior holder collects any rent or land revenue of which the payment has been remitted, or before the expiration of the period of suspension collects any rent or land revenue of which the payment has been suspended in favour of an inferior holder or holders, the whole of the land revenue remitted or suspended in favour of such superior holder shall, without prejudice to the rights of the inferior holder or holders to recover the rent or land revenue so collected, become immediately payable by the superior holder. Consequences following on such order.

(*5*) No application for assistance under sections 86 and 87 shall be entertained, no suit shall lie, and no decree of a Civil Court shall be executed, for the recovery by a superior holder of any rent or land revenue of which the payment has been remitted, or, during the period of suspension, of any rent or land revenue of which the payment has been suspended in favour of an inferior holder or holders; but, where the payment of rent or land revenue by an inferior holder or holders has been suspended, the period during which the suspension has continued shall be excluded from the period of limitation prescribed for a suit for the recovery of such rent or land revenue.

(*6*) Nothing in this section shall make it unlawful for the superior holder to take the crop-share fixed by custom or agreement in respect of Crop-share fixed by

custom or agreement.

any land on which rent is payable in whole or in part in the form of a share of the crop.

(7) Explanation—

Meaning of assessment.

In respect of land which has not been assessed under the provisions of Chapter VIII or under any survey settlement confirmed by section 112, the term assessment, for the purposes of this section, includes the rent or land revenue payable by custom or by the usage of the locality.

Sind excluded.

(8) Nothing in this section shall apply to any land situated in the Province of Sind.]

Recovery of superior holders' dues.

[1][**85.** (*1*) Every superior holder of an alienated village or of an alienated share of a village, in which there are a hereditary patel and a hereditary village accountant, shall receive his dues on account of rent or land revenue from the inferior holders through such patel and accountant.

(*2*) Where such patel and accountant fail to recover in behalf of such superior holder any sum due and payable to him on account of rent or land revenue, such superior holder shall, with the previous consent of the Collector, be entitled to recover his dues direct from the inferior holders.

(*3*) Where any such patel or accountant has recovered any sum in behalf of such superior holder and fails to account to him for the same, the Collector shall, on written application from the superior holder, recover such sum from such patel or accountant as an arrear of land revenue.

(*4*) Where any such superior holder demands or receives any rent or land revenue from any inferior holder otherwise than through such patel or accountant, he shall, on conviction in a summary inquiry before the Collector, be liable to a fine not exceeding three times the amount of the sum so demanded or received.]

Superior holders entitled to assistance in recovery of dues from inferior holders, etc.

86. Superior holders shall, upon written application to the Collector, be entitled to assistance, by the use of precautionary and other measures, for the recovery of rent or land revenue payable to them by inferior holders, or by co-sharers in their holdings under the same rules, except that contained in section 137, and in the same manner as prescribed in Chapter XI [2]* * * for the realization of land revenue by Government:

But application must be made within the revenue year or within the year of tenancy.

Provided that such application be made within the revenue year or within the year of tenancy in which the said rent or land revenue became payable.

---

[1] Section 85 was substituted by 1st Sch., Part II, Serial No. 6 of the Bombay Repealing and Amending Act, 1910 (Bom. Act 1 of 1910), Vol. V of this Code.

[2] The words " of this Act " were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

87. [1](*1*) On application being made under section 86 to the Collector, he shall cause a written notice thereof to be served on the inferior holder or co-sharer fixing a day for inquiry into the case. The Collector how to proceed on such application being made.

[1](*2*) On the day so fixed he shall hold a summary inquiry, and shall pass an order for rendering assistance to the superior holder for the recovery of such amount, if any, of rent or land revenue as appears to him upon the evidence before him to be lawfully due.

[1](*3*) But, if it appears to the Collector that the question at issue between the parties is of a complicated or difficult nature, he may in his discretion either refuse the assistance asked for, or, if the land to which the dispute relates, has been assessed under the provisions of Chapter VIII [2]* * * or any survey settlement confirmed by section 112, grant assistance to the extent only for the assessment so fixed upon the said land. Assistance may be refused or granted to a limited extent only.

[1](*4*) Nothing in this section shall prevent either party from having recourse to the Civil Courts to recover from the other such amount as he may deem to be still due to him, or to have been levied from him in excess of what was due, as the case may be. Civil suit not to be barred.

[3][(*5*) One appeal only shall lie from any order passed under this section.]

88. It shall be lawful for the [4][Commissioner] at any time to issue a commission to any holder of alienated lands, conferring upon him all or any of the following powers in respect of the lands specified in such commission, (namely): Commissioner may, by commissions, confer certain powers on holders of alienated lands.

(*a*) to demand security for the payment of the land revenue or rent due to him, and if the same be not furnished, to take such precautions as the Collector is authorized to take under sections 141 to 143;

(*b*) to attach the property of persons making default in the payment of such land revenue or rent, as aforesaid;

(*c*) to fix from time to time the times at which, and the instalments in which, the land revenue or rent due to him shall be payable;

(*d*) to exercise the powers of a Collector under sections 65 and 66;

---

[1] These sub-sections were originally paragraphs of section 87. They were numbered as sub-sections by s. 39 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] The words " of this Act " were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[3] Sub-section (*5*) was added by s. 39 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[4] This word was substituted for the words " Governor in Council " by s. 40 (*1*), *ibid.*

(*e*) to receive notices of relinquishment under section 74, and to determine the date up to which such notices shall be received as in that section provided;

(*f*) to take measures for the maintenance and repair of boundary-marks in the manner provided for survey officers in section 122:

Provided that the powers contemplated in clauses (*c*) to (*f*) shall be conferred only on holders of lands to which a survey settlement has been extended under the provisions of section 216.

Form of such commission.

89. Every such commission shall be in the form of Schedule F, and shall be liable to be withdrawn at the pleasure of [1][the Commissioner]; and a commission may, if the [2][Commissioner] see fit, be issued to one or more agents of a holder of alienated lands as well as to the holder in person.

Reference must be made by holder of commission to the Collector in certain cases.

90. If the holder of any such commission attach a defaulter's property, he shall make an immediate report to the Collector of his having done so. Should the demand on account of which the attachment has been made, appear to the Collector, after such inquiry as he may deem fit to make, to be just, he shall give orders for the sale of the property, and the sale shall be conducted agreeably to the provisions of sections 165 to 186.

But if the holder of the commission is invested, under [3]Regulation XIII of 1830, with civil jurisdiction and with power to execute his own or his agent's decrees, the sale shall be conducted by him and not by the Collector and his subordinates.

When compulsory process shall cease.

91. All compulsory process shall cease:

on the defaulter's paying or tendering the amount demanded of him under protest, or

on his furnishing either to the holder of the commission or his agent or agents, or to the Collector, satisfactory security in the form of Schedule D or to similar effect.

Penalty for continuing compulsory process.

And any holder of any such commission as aforesaid, by himself or his agents, proceeding with any compulsory process after payment made, or tendered as aforesaid, or after the furnishing of such security as aforesaid or after tender thereof, shall be liable, on conviction in a summary inquiry before the Collector, to a penalty not exceeding three times the amount of the revenue sought to be recovered by such compulsory process.

---

[1] These words were substituted for the word "Government" by s. 40 (*2*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] This word was substituted for the words "Governor in Council" by *ibid.*

[3] Vol. I of this Code.

92. The power conferred by any such commission shall extend to the enforcement of the payment of the revenue or rent of the current year and of the year next immediately preceding, but not to that of former years. Power under commission to extend to current and previous year's arrears.

93. The holder of any such commission shall not enforce a demand for revenue or rent in excess of what any inferior holder has paid, previously to the date of such demand, or of what he may have contracted in writing to pay. In the event of a dispute the Collector shall hold a summary inquiry and decide what is just, and the holder of a commission shall not enforce a demand for more than what is so decided to be just. Holder of commission not to enforce any unusual or excessive demand.

The person against whom any demand shall have been enforced in excess of the amount of which payment is lawfully enforceable shall be entitled to recover, on conviction of the holder of the commission in a summary inquiry before the Collector, three times the amount of any such excessive demand by way of damages; and the sum so due by the holder of the commission shall be leviable from him as an arrear of land revenue. Penalty for so doing.

94. Nothing in the last section shall be deemed to prevent a holder of alienated land from instituting a suit in any Court of competent jurisdiction for the purpose of establishing his claim to re-assess the lands or resettle the revenue of any inferior holder paying less than the full sum to payment of which he deems him to be justly liable, or from levying the sum ascertained to be due in accordance with the decree in any such suit in the manner hereinbefore mentioned. But holder of commission may establish his right to enhanced rent in Civil Court.

[1][**94A.** (*1*) The superior holder of an alienated village or of an alienated share of a village, in which there are a hereditary patel and a hereditary village accountant, and to which a survey settlement has been extended under section 216, may by application in writing to the Assistant or Deputy Collector in charge of the taluka request that the rent or land revenue due to such superior holder may during a period named in the application be recovered as a revenue demand. Recovery as revenue demand of dues of certain superior holders for specified period.

(*2*) The Collector may in his discretion sanction the application for a period not exceeding that named by the applicant, and in such case the following provisions shall apply:—

(*a*) Any rent or land revenue that accrues or has accrued due to the superior holder during the sanctioned period or a period of six years previous thereto shall, to an extent not exceeding the assessment fixed on the land, be recoverable under the orders of the revenue authorities as a revenue demand during the sanctioned period.

---

[1] Section 94A was inserted by s. 41 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

(*b*) Where any proportion of the land revenue that accrues or has accrued due to Government in respect of unalienated land in the same neighbourhood during the said sanctioned or previous period has been suspended or remitted by proper authority, the Collector may suspend or remit an equal or lesser proportion of the rent or land revenue that accrues or has accrued due to the superior holder during the corresponding period. Any such suspension or remission shall, notwithstanding anything in the [1]Bombay Revenue Jurisdiction Act, 1876, be binding upon the superior holder in any X of 1876
subsequent proceedings in any Civil Court between the superior and inferior holders or their legal representatives, and any proceedings pending at the date of such suspension or remission shall abate to the extent of any claim that may be inconsistent therewith; and no Civil Court shall entertain any suit against the Secretary of State or Government in respect of any such suspension or remission.

(*c*) Where any such suspension or remission has been granted to an inferior holder, the land revenue (if any) payable by the superior holder shall be suspended or remitted, as the case may be, to a proportionate extent.

(*d*) The balance of any sum recovered under clause (*a*) shall be paid to the superior holder after deduction of the costs, if any, of recovery and of any sum lawfully chargeable upon the sum recovered.]

CHAPTER VIII.

[Of Surveys, Assessments and Settlements of Land Revenue.][2]

Revenue survey may be introduced by Governor in Council into any part of Presidency.

95. It shall be lawful for the Governor in Council, whenever it may seem expedient, to direct the survey of any land in any part of the Presidency, with a view to the settlement of the land revenue, and to the record and preservation of rights connected therewith, or for any other similar purpose and such survey shall be called a revenue survey. Such survey may extend to the lands of any village, town, or city generally, or to such land only as the Governor in Council may direct; and subject to the orders of the Governor in Council it shall be lawful for the officers conducting any such survey to except from the survey settlement any land to which it may not seem expedient that such settlement should be applied.

---

[1] Vol. I of this Code.

[2] This heading was substituted by s. 42 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

The control of every such revenue survey shall vest in and be exercised by the Governor in Council. Control of revenue survey.

96. It shall be lawful for the survey officer deputed to conduct or take part in any such survey, to require by general notice or by summons, the attendance of holders of lands and of all persons interested therein, in person, or by legally constituted agent duly instructed and able to answer all material questions, and the presence of taluka and village officers, who in their several stations and capacities are legally, or by usage, bound to perform service in virtue of their respective offices and to require from them such assistance in the operations of the survey and such service in connection therewith, as may not be inconsistent with the position of the individual so called on. Survey Officer may require by general notice or by summons, suitable service from holders of land, etc.

97. It shall be lawful for the survey officer to call upon all holders of land and other persons interested therein to assist in the measurement or classification of the lands to which the survey extends by furnishing flag-holders; and in the event of a necessity for employing hired labour for this or other similar object, incidental to survey operations, it shall be lawful to assess the cost thereof, with all contingent expenses on the lands surveyed, for collection as a revenue demand. Assistance to be given by holders and others in the measurement or classification of lands.

98. Except as hereinafter provided, no survey number comprising land used for purposes of agriculture only shall be made of less extent than a minimum to be fixed from time to time for the several classes of land in each district by the Commissioner of Survey, with the sanction of Government. A record of the minima so fixed shall be kept in the Mamlatdar's office in each taluka, and shall be open to the inspection of the public at reasonable times. Survey numbers not to be of less than a certain extent.

These provisions shall not apply to survey numbers which have already been made of less extent than the minima so fixed, or which may be so made under the authority of the Commissioner of Survey given either generally or in any particular instance in this behalf; and any survey number separately recognized in the [1][land records] shall be deemed to have been authorizedly made whatever be its extent. Exception.

99. [*Provisions applicable to recognized shares of survey-numbers.*] *Repealed by Bom. Act IV of 1913, s. 44.*

100. Subject to rules [2]* * * made in this behalf, under section 214, the officer in charge of a survey shall have authority to fix the assessment for land revenue at his discretion on all lands within the local Officer in charge of a survey to fix assessments.

---

[1] These words were substituted for the words "survey records" by s. 43 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] The words "or orders" were repealed by s. 45, *ibid.*

operation of an order made under section 95 not wholly exempt from land revenue, and the amounts due according to such assessment shall, subject to the provisions of section 102, be levied on all such lands.

Regard to be had to proviso to section 52.

In fixing such assessment, regard shall be had to the requirements of the proviso to section 52.

Proviso.

But nothing in this section shall be deemed to prevent the survey officer aforesaid from determining and registering the proper full assessment on lands wholly exempt from payment of land revenue or on lands especially excepted under section 95 from the survey settlement, or from dividing all such lands to which the survey extends into survey numbers.

The assessment so made may be on land or on means of irrigation, etc.

101. The power to assess under the preceding section shall, in the case of lands used for purposes of agriculture alone, include power to assess, whether directly on the land, or in the form of a rate or cess upon the means of irrigation in respect of which no rate is [1][levied] under section 55 [2][or under the Bombay Irrigation Act, 1879], or in any other manner whatsoever that may be sanctioned by Government. Bom. Act VII of 1879.

Assessment so made not leviable without the sanction of Government. But may be fixed, with or without modification, by the Governor in Council for a term of years.

102. The assessment fixed by the officer in charge of a survey shall not be levied without the sanction of Government. It shall be lawful for the Governor in Council to declare such assessments, with any modifications which he may deem necessary, fixed for a term of years not exceeding thirty in the case of lands used for the purposes of agriculture alone, and not exceeding ninety-nine in the case of all other lands.

Introduction of settlements.

[3][**103.** When the levy of the assessment fixed under sections 100 and 101 upon any land has been sanctioned under section 102, and notice of the same has been given in accordance with rules made by the Governor in Council in this behalf, the settlement shall be deemed to have been introduced with respect to the lands of which the assessments have been sanctioned.]

Excess assessment not to be levied in the year in which a Survey Settlement is introduced;

104. In the year in the course of which a survey settlement, whether original or revised, may be introduced under the last preceding section, the difference between the old and new assessment of all lands on which the latter may be in excess of the former shall be remitted, and the revised assessment shall be levied only from the next following year.

---

[1] This word was substituted for the word "leviable" by s. 2 of the Bombay Irrigation Act, 1879 (Bom. Act 7 of 1879), *infra*.

[2] These words were inserted by *ibid.*

[3] Section 103 was substituted by s. 46 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

In the year next following that in which any [1][original or] revised survey settlement has been introduced, any occupant who may be dissatisfied with the increased rate imposed by such new assessment on any of the survey numbers [2][or sub-divisions of survey numbers] held by him shall, on resigning such number [2][or sub-division] in the manner prescribed by [3][section 74] on or before the 31st March, receive a remission of the increase so imposed.

nor in the following year if the number is resigned that year.

105. The fixing of the assessment under the provisions of section 102 shall be strictly limited to the assessment of the ordinary land revenue, and shall not operate as a bar to the levy of any cess which it shall be lawful for the Governor in Council to impose under the provisions of any law for the time being in force for purposes of local improvement, such as schools, village, and district roads, bridges, tanks, wells, accommodation for travellers, and the like, or of any rate for the use of water which may be imposed under the provisions of section 55 [4][or of the Bombay Irrigation Act, 1879].

The fixing of assessment under section 102 limited to ordinary land revenue.

Bom. VII of 1879.

106. It shall be lawful for the Governor in Council to direct, at any time, a fresh revenue survey or any operation subsidiary thereto, but no enhancement of assessment shall take effect till the expiration of the period previously fixed under the provisions of section 102:

Government may direct a fresh survey and revision of assessment.

[5][Provided that when a general classification of the soil of any area has been made a second time, or when any original classification of any area has been approved by the Governor in Council as final, no such classification shall be again made with a view to the revision of the assessment of such area.]

[6][**107.** In revising assessments of land revenue regard shall be had to the value of land and, in the case of land used for the purposes of agriculture, to the profits of agriculture:

Conditions applicable to revisions of assessment.

Provided that if any improvement has been effected in any land during the currency of any previous settlement made under this Act, or under Bombay Act I of 1865,[7] by or at the cost of the holder thereof, the

---

[1] These words were inserted by the Amending Act, 1895 (16 of 1895), Vol. I of this Code.

[2] These words were inserted by s. 47 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[3] The word and figures "section 74" were substituted for the words and figures "sections 74 and 76" by *ibid.*

[4] These words were added by s. 2 of the Bombay Irrigation Act, 1879 (Bom. Act 7 of 1879), *infra.*

[5] This proviso was substituted for the second paragraph of s. 106 by s. 1 of the Bombay Land Revenue Code Amendment Act, 1886 (Bom. Act 4 of 1886), *infra.*

[6] Section 107 was substituted by s. 2, *ibid.*

[7] Bom. Act 1 of 1865 (except ss. 37 and 38) is repealed by s. 2 of this Act which has been repealed by s. 5 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

increase in the value of such land or in the profit of cultivating the same, due to the said improvement, shall not be taken into account in fixing the revised assessment thereof.]

Preparation of statistical and fiscal records.

108. It shall be the duty of the survey officer, on the occasion of making or revising a settlement of land revenue, to prepare a register, to be called "the Settlement Register," showing the area and assessment of each survey number, [1][with any other particulars that may be prescribed] and other records in accordance with such orders as may from time to time be made on this behalf by Government.

109. [*Officers to correct clerical and admitted errors in settlement-register, and inquire into and pass orders on applications for mutation of names.*] *Repealed by Bom. Act IV of 1913, s. 49.*

110. [*Collector to keep survey-records and frame village-records in accordance therewith; and to register changes, etc.*] *Repealed by Bom. Act IV of 1913, s. 49.*

Revenue management of villages or estates not belonging to Government that may be temporarily under Government management.

111. In the event of any alienated village or estate coming under the temporary management of Government officers, it shall be lawful for the Collector to let out the lands thereof, at rates determined by means of a survey settlement or at such other fixed rates as he may deem to be reasonable, and [2][to grant unoccupied lands on lease] and otherwise to conduct the revenue management thereof under the rules for the management of unalienated lands, so far as such rules may be applicable, and for so long as the said village or estate shall be under the management of Government officers: provided, however, that any written agreements relating to the land, made by the superior holder of such village or estate, shall not be affected by any proceedings under this section in so far as they shall not operate to the detriment of the lawful claims of Government on the land.

Maintenance of existing settlements of land revenue.

112. Existing survey settlements of land revenue made, approved and confirmed under the authority of the Governor in Council shall be, and are hereby declared to be, in force subject to the provisions of this Act.

Partition.

[3][**113.**-Expenses properly incurred in making partition of estates paying revenue to Government shall be recoverable as a revenue demand in such proportions as the Collector may think fit from the sharers at whose

---

[1] These words were substituted for the words "together with the name of the registered occupant of such survey number" by s. 48 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] These words were substituted for the words "to sell the occupancy of unoccupied lands by auction" by s. 50, *ibid.*

[3] Section 113 was substituted by s. 51, *ibid.*

request the partition is made, or from the persons interested in the partition.]

Partition of certain estates by the Collector on application by co-sharers.

114. Whenever any one or more co-sharers in a khoti estate, into which a revenue survey has been introduced [1][or in a talukdari estate], consent to a partition of the said estate, it shall be lawful for the Collector, or for any other officer duly empowered by him in this behalf, [*2] * * * to divide the said estate into shares according to the respective rights of the co-sharers, and to allot such shares to the co-sharers:

Provided that no such partition shall be made, unless—

(*a*) all the co-sharers are agreed as to the extent of their respective rights in estate, and

(*b*) the assessment of the share or shares of the sharer or sharers consenting to such partition exceeds one-half of the assessment of the entire estate.

In such cases the expenses of partition shall be recovered [3][as a revenue demand] from all the co-sharers in the estate divided.

115. [*Sub-division of numbers at time of revision of survey.*] *Repealed by Bom. Act IV of 1913, s. 53.*

Division of survey numbers into new survey numbers.

[4][**116.** When any portion of cultivable land is permitted to be used under the provisions of section 65 or 67 for any non-agricultural purpose or when any portion of land is specially assigned under section 38, or when any assessment is altered or levied on any portion of land under sub-section (*2*) or sub-section (*3*) of section 48, such portion may, with the sanction of the Collector, be made into a separate number at any time notwithstanding the provisions of section 98.]

Bombay Act V of 1862 not affected.

117. Nothing in section [5]* * * 116 shall affect the provisions of Bombay Act V of 1862.

Division of survey numbers into sub-divisions.

[6][**117A.** (*1*) Survey numbers may from time to time and at any time be divided into so many sub-divisions as may be required in view of the acquisition of rights in land or for any other reason.

---

[1] These words are repealed in the districts of Ahmedabad, Kaira, Broach and the Panch Mahals by s. 3 of the Gujrat Talukdars Act, 1888 (Bom. Act 6 of 1888), Vol. III of this Code.

[2] The words "subject to the rules contained in the last preceding section" were repealed by s. 52 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[3] These words were substituted for the words and figure "under rule (3) of the last preceding section" by *ibid.*

[4] Section 116 was substituted by s. 54, *ibid.*

[5] The word and figures "113, 115 or" were repealed by s. 55, *ibid.*

[6] Section 117A was inserted by s. 56, *ibid.*

(2) The division of survey numbers into sub-divisions and the fixing of the assessment of the sub-divisions shall be carried out and from time to time revised in accordance with rules made by the Governor in Council in this behalf:

Provided that the total amount of the assessment of any survey number or sub-division shall not be enhanced during any term for which such assessment may have been fixed under section 102, unless such assessment is liable to alteration under section 48.

(3) The area and assessment of such sub-divisions shall be entered in such land records as the Governor in Council may prescribe in this behalf.]

Provisions applicable on relinquishment or forfeiture of a sub-division.

[1][**117B.** If any sub-division of a survey number is relinquished under section 74 or is forfeited for default in payment of land revenue, the Collector shall offer such sub-division at such price as he may consider it to be worth to the occupants of the other sub-divisions of the same survey number in such order as in his discretion he may think fit; in the event of all such occupants refusing the same, it shall be disposed of as the Collector shall deem fit:

Provided that until the said sub-division shall be occupied or until the entire survey number shall be relinquished, whichever event may first occur, the assessment of the said sub-division shall be levied from the occupants of the other sub-divisions of the survey number in proportion to the amount of assessment due from such occupants on account of their sub-divisions.

For the purposes of this section notwithstanding anything contained in section 3, if any of the other sub-divisions have been mortgaged with possession, the mortgagors shall be deemed to be the occupants thereof.]

CHAPTER IX.

THE SETTLEMENT OF BOUNDARIES AND THE CONSTRUCTION AND MAINTENANCE OF BOUNDARY-MARKS.

Determination of

118. The boundaries of villages situated in British territory shall be fixed, and all disputes relating thereto shall be determined by survey

[1] Section 117B was inserted by s. 56 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

officers, or by such other officers as may be nominated by Government for the purpose, who shall be guided by the following rules:— village-boundaries.

Rule 1.—When the patels and other village officers of any two or more adjoining villages, and, in the case of an alienated village the holder thereof or his duly constituted agent, shall voluntarily agree to any given line of boundary as the boundary common to their respective villages, the officer determining the boundary shall require the said parties to execute an agreement to that effect, and shall then mark off the boundary in the manner agreed upon. And any village boundary fixed in this manner shall be held to be finally settled, unless it shall appear to the said officer that the agreement has been obtained by fraud, intimidation, or any other illegal means. Village-boundaries may be settled by agreement

Rule 2.—If the patels and other village officers, and, in the case of an alienated village, the holder thereof or his duly constituted agent, do not agree to fix the boundaries of their respective villages, in the manner prescribed in the preceding rule, or if it shall appear to the said officer that the agreement has been obtained by fraud, intimidation, or any other illegal means, or if there be any pending dispute, the said officer shall make a survey and plan of the ground in dispute, exhibiting the land claimed by the contending parties, and all particulars relating thereto, and shall hold a formal inquiry into the claims of the said parties, and thereafter make an award in the case. If either of the villages concerned be alienated, an award made by a survey officer shall, unless the officer making it be the Superintendent of Survey, be subject to his confirmation, and an award made by any other officer shall be subject to confirmation by such other officer as Government may nominate for the purpose. Procedure in case of disagreement or dispute.

119. If, at the time of a survey, the boundary of a field or holding be undisputed, and its correctness be affirmed by the village officers then present, it may be laid down as pointed out by the holder or person in occupation, and, if disputed, or if the said holder or person in occupation be not present, it shall be fixed by the survey officer according to the [1][land records] and according to occupation as ascertained from the village officers and the holders of adjoining lands, or on such other evidence or information as the survey officer may be able to procure. Determination of field boundaries.

If any dispute arise concerning the boundary of a field or holding which has not been surveyed, or if at any time [2][after the completion of a survey] a dispute arise concerning the boundary of any survey number

---

[1] These words were substituted for the words "Village records" by s. 57 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] These words were substituted for the words "after the survey records have been handed over to the Collector" by *ibid*

[1][or sub-division of a survey number], it shall be determined by the Collector, who shall be guided [2][by the land records] if they afford satisfactory evidence of the boundary previously fixed, and if not, by such other evidence as he may be able to procure.

Settlement of boundary disputes by arbitration.

120. If the several parties concerned in a boundary dispute agree to submit the settlement thereof to an arbitration committee, and make application to that effect in writing, the officer whose duty it would otherwise be to determine the boundary shall require the said parties to nominate a committee of not less than three persons, within a specified time, and if within a period to be fixed by the said officer the committee so nominated or a majority of the members thereof arrive at a decision, such decision, when confirmed by the said officer, or if the said officer be a survey officer lower in rank than a Superintendent of Survey, by the Superintendent of Survey, shall be final:

When award may be remitted for reconsideration.

Provided that the said officer, or the Superintendent of Survey, shall have power to remit the award, or any of the matters referred to arbitration, to the reconsideration of the same committee, for any of the causes set forth in [3][paragraph 14 of the Second Schedule to the [4]Code of Civil Procedure, 1908]. V of 1908.

If arbitration fail, survey officer to settle dispute.

If the committee appointed in the manner aforesaid fail to effect a settlement of the dispute within the time specified, it shall be the duty of the officer aforesaid, unless he or, if the said officer is a survey officer lower in rank than a Superintendent of Survey, the Superintendent of Survey see fit to extend the time, to settle the same as otherwise provided in this Act.

Effect of the settlement of a boundary.

[5][**121.** (*1*)] The settlement of a boundary under any of the foregoing provisions of this chapter shall be determinative—

(*a*) of the proper position of the boundary line or boundary-marks, and

(*b*) of the rights of the landholders on either side of the boundary fixed in respect of the land adjudged to appertain, or not to appertain, to their respective holdings.

[6][(*2*) Where a boundary has been so fixed, the Collector may at any time summarily evict any landholder who is wrongfully in possession of

---

[1] These words were inserted by s. 57 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] These words were substituted for the words "in the case of survey numbers by the survey records" by *ibid.*

[3] These words and figures were substituted for the words and figures "section 520 of the Code of Civil Procedure" by s. 58, *ibid.*

[4] General Acts, Vol. VI.

[5] Section 121 was numbered sub-section (*1*) of s. 121 by s. 59 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[6] Sub-section (*2*) was added by *ibid.*

any land which has been adjudged in the settlement of a boundary not to appertain to his holding or to the holding of any person through or under whom he claims.]

Construction and repair of boundary-marks of survey numbers and villages.

122. It shall be lawful for any survey officer, authorized by a Superintendent of Survey, or Settlement officer, to [1][specify or cause to be constructed, laid out, maintained or repaired] boundary-marks of villages or survey numbers [2][or sub-divisions of survey numbers] whether cultivated or uncultivated, and to assess all charges incurred thereby on the holders or others having an interest therein.

Requisition on landholders to erect or repair boundary-marks.

Such officer may require landholders to construct, [3][lay out, maintain] or repair their boundary-marks, by a notification which shall be posted in the chavdi or other public place in the village, to which the lands under survey belong, directing the holders of survey numbers [2][or sub-divisions] to construct, [3][lay out, maintain] or repair, within a specified time, the boundary-marks of their respective survey numbers [2][or sub-divisions] and on their failure to comply with the requisition so made, the survey officer shall then construct [3][lay out] or repair them and assess all charges incurred thereby as hereinbefore provided.

A general notification to be good and sufficient notice of requisition.

A general notification, issued in the manner aforesaid, shall be held to be good and sufficient notice to each and every person having any interest in any survey numbers [2][or sub-divisions] within the limits of the lands to which the survey extends.

Description of boundary-marks.

[4][The boundary-marks shall be of such description, and shall be constructed, laid out, maintained or repaired in such manner and shall be of such dimensions and materials as may, subject to rules [5]* * made in this behalf under section 214, be determined by the Superintendent of Survey, according to the requirements of soil and climate.]

Responsibility for the maintenance of boundary-marks.

123. Every landholder shall be responsible for the maintenance and good repair of the boundary-marks of his holding, and for any charges reasonably incurred on account of the same by the revenue officers in cases of alteration, removal, or disrepair. It shall be the duty of the village

---

[1] These words were substituted for the words " caused to be constructed or repaired " by s. 14 (*1*) of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. Act 6 of 1901), Vol. IV of this Code.

[2] These words were inserted by s. 60 (*a*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[3] These words were inserted by s. 14 (*2*) of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. Act 6 of 1901), Vol. IV of this Code.

[4] This paragraph was substituted by s. 14 (*3*), *ibid.*

[5] The words " or orders " were repealed by s. 60 (*b*) of the Bombay Land-revenue Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

shall be liable to pay [1][a price for the said lands] in addition to the land revenue assessed thereupon.

The said [2][price] shall be determined according to the provisions of section 62.

Survey of lands in such sites how to be conducted.

131. If the Governor in Council shall at any time deem it expedient to direct a survey of the lands other than those used ordinarily for the purposes of agriculture only within the site of any village, town, or city, under the provisions of section 95, or a fresh survey thereof under the provisions of section 106, such survey shall be conducted, and all its operations shall be regulated, according to the provisions of Chapters VIII and IX of this Act: Provided that nothing contained in sections 96, 97, 101, [3]* 104, or 118 thereof shall be considered applicable to any such survey in any town or city containing more than two thousand inhabitants.

Proviso.

In certain cases a survey-fee to be charged.

132. When a survey is extended under the provisions of the last preceding section to the site of any town or city containing more than two thousand inhabitants, each holder of a building-site shall be liable to the payment of a survey-fee to be assessed by the Collector under such rules as may be prescribed in this behalf from time to time by Government, provided that the said fee shall in no case exceed [4][ten rupees for each building-site or any portion thereof held separately].

The said survey-fee shall be payable within six months from the date of a public notice to be given in this behalf by the Collector after the completion of the survey of the site of the town or city, or of such part thereof as the notice shall refer to.

[5]* * * * * * *

Sanad to be granted without extra charge.

133. Every holder of a building-site as aforesaid shall be entitled, after payment of the said survey-fee, to receive from the Collector without extra charge one or more sanads, in the form of Schedule H, [6][or to the like effect] specifying by plan and description the extent and conditions of his holding:

Proviso.

Provided that if such holder do not apply for such sanad or sanads at the time of payment of the survey-fee or thereafter within six months from the date of the public notice issued by the Collector under the last

---

[1] These words were substituted for the words "the price of the occupancy of the said lands" by s. 61 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] This word was substituted for the words "occupancy price" by *ibid.*

[3] The figures "103" were repealed by s. 62, *ibid.*

[4] These words were substituted for the words "rupees five for each survey number" by s. 63 (*a*), *ibid.*

[5] The third paragraph was repealed by s. 63 (*b*), *ibid.*

[6] These words were inserted by s. 64, *ibid.*

preceding section, the Collector may require him to pay an additional fee not exceeding one rupee for each sanad.

Every such sanad shall be executed on behalf of the Secretary of State for India in Council by such officer as may from time to time be lawfully empowered to execute the same.

Assessment of lands hitherto used for purpose of agriculture only used for other purposes.

134. If any land within the site of any village, town, or city, hitherto ordinarily used for agricultural purposes only, with respect to which a summary settlement has been made between Government and the holder under the provisions of any law for the time being in force, be [1][used for] any other purposes, it shall be liable to payment of one-eighth of the rate fixed for unalienated land used for similar purposes in the same locality, in addition to the quit-rent payable under the terms of such summary settlement.

135. [*Limitation of certain suits.*] *Repealed by Bom. Act XI of 1912, s. 3.*

[2][CHAPTER XA.

OF THE RECORD OF RIGHTS.

Exemption from provisions of this chapter.

135A. The Governor in Council may, by notification in the Bombay Government Gazette, direct that this chapter, or any specified provisions thereof, shall not be in force in any specified local area, or with reference to any lands or any class of villages or lands, or generally.

The record of rights.

135B. (*1*) A record of rights shall be maintained in every village and such record shall include the following particulars:—

(*a*) the names of all persons (other than tenants) who are holders, occupants, owners or mortgagees of the land or assignees of the rent or revenue thereof;

(*b*) the nature and extent of the respective interests of such persons and the conditions or liabilities (if any) attacning thereto;

(*c*) the rent or revenue (if any) payable by or to any of such persons;

(*d*) such other particulars as the Governor in Council may prescribe by rules made in this behalf.

---

[1] These words were substituted for the words "appropriated to" by s. 65 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 3 of 1913), Vol. V of this Code.

[2] Chapter XA was inserted by s. 66, *ibid.*

(*2*) Provided that the said particulars shall be entered in the record of rights with respect to perpetual tenancies, and also with respect to tenancies of any other classes to which the Governor in Council may, by notification in the Bombay Government Gazette, direct that the provisions of this section shall apply in any local area or generally.

Acquisition of rights to be reported.

135C. Any person acquiring, by succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease or otherwise, any right as holder, occupant, owner, mortgagee, landlord or tenant of the land, or assignee of the rent or revenue thereof, shall report orally or in writing his acquisition of such right to the village accountant within three months from the date of such acquisition, and the said village accountant shall at once give a written acknowledgment of the receipt of such report to the person making it:

Provided that where the person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property shall make the report to the village accountant;

Provided further that any person acquiring a right by virtue of a registered document shall be exempted from the obligation to report to the village accountant.

Explanation I.—The rights mentioned above include a mortgage without possession, but do not include an easement or a charge not amounting to a mortgage of the kind specified in section 100 of the Transfer of Property Act, 1882.[1] IV of 1882.

Explanation II.—A person in whose favour a mortgage is discharged or extinguished, or lease determines, acquires a right within the meaning of this section.

Register of mutations and register of disputed cases.

135D. (*1*) The village accountant shall enter in a register of mutations every report made to him under section 135C and shall also make an entry therein respecting the acquisition of any right of the kind mentioned in [2][the first paragraph] of section 135C which he has reason to believe to have taken place and of which a report has not been made to him under the said section.

(*2*) Whenever a village accountant makes an entry in the register of mutations he shall at the same time post up a complete copy of the entry in a conspicuous place in the chavdi, and shall give written intimation to all persons appearing from the record of rights or register of mutations to be interested in the mutation, and to any other person whom he has reason to believe to be interested therein.

(*3*) Should any objection to an entry made under sub-section (*1*) in the register of mutations be made either orally or in writing to the village

[1] General Acts, Vol. III.

[2] These words were substituted for the word and figure "sub-section (*1*)" by first schedule of the Bombay Repealing and Amending Act, 1919 (Bom. Act 2 of 1919), Vol. V of this Code.

accountant, it shall be the duty of the village accountant to enter the particulars of the objection in a register of disputed cases.

(*4*) Orders disposing of objections entered in the register of disputed cases shall be recorded in the register of mutations by such officers and in such manner as may be prescribed by rules made by the Governor in Council in this behalf.

(*5*) The transfer of entries from the register of mutations to the record of rights shall be effected subject to such rules as may be made by the Governor in Council in this behalf: provided that an entry in the register of mutations shall not be transferred to the record of rights until such entry has been duly certified.

Entries in register of mutations how to be certified.

(*6*) Entries in the register of mutations shall be tested and if found correct, or after correction as the case may be, shall be certified by a revenue officer of rank not lower than that of a Mamlatdar's first karkun.

Tenancies.

(*7*) The provisions of this section shall apply in respect of perpetual tenancies and also in respect of any tenancies mentioned in a notification under sub-section (*2*) of section 135B, but the provisions of this section shall not apply in respect of other tenancies, which shall be entered in a register of tenancies in such manner and under such procedure as the Governor in Council may prescribe by rules made in this behalf.

Obligation to furnish information.

135E. (*1*) Any person whose rights, interests or liabilities are required to be, or have been entered in any record or register, under this chapter shall be bound, on the requisition of any revenue officer or village accountant engaged in compiling or revising the record or register, to furnish or produce for his inspection, within one month from the date of such requisition, all such information or documents needed for the correct compilation or revision thereof as may be within his knowledge or in his possession or power.

(*2*) A revenue officer or village accountant to whom any information is furnished or before whom any document is produced in accordance with a requisition under sub-section (*1*) shall at once give a written acknowledgment thereof to the person furnishing or producing the same and shall endorse on any such document a note under his signature, stating the fact of its production and the date thereof.

Penalty for neglect to afford information.

135F. Any person neglecting to make the report required by section 135C, or furnish the information or produce the documents required by section 135E within the prescribed period shall be liable, at the discretion of the Collector, to be charged a fee not exceeding twenty-five rupees, which shall be leviable as an arrear of land revenue.

Requisition of assistance in preparation of maps.

135G. Subject to rules made in this behalf by the Governor in Council—

(*a*) any revenue officer or village accountant may for the purpose of preparing or revising any map or plan required for or in connection with any record or register under this chapter exercise any of the powers of a survey officer under sections 96 and 97, except the power of assessing the cost of hired labour under section 97, and

(*b*) any revenue officer of a rank not lower than that of an Assistant or Deputy Collector or of a survey officer may assess the cost of the preparation or revision of such map or plan and all contingent expenses, including the cost of clerical labour and supervision, on the lands to which such maps or plans relate, and such costs shall be recoverable as a revenue demand.

Certified copy of record to be annexed to plaint or application.

135H. (*1*) The plaintiff or applicant in every suit or application as hereinafter defined relating to land situated in any area to which this chapter applies shall annex to the plaint or application a certified copy of any entry in the record of rights, register of mutations or register of tenancies relevant to such land.

(*2*) If the plaintiff or applicant fails so to do for any cause which the Court or conciliator deems sufficient, he shall produce such certified copy within a reasonable time to be fixed by the Court or conciliator, and if such certified copy is not so annexed or produced the plaint or application shall be rejected, but the rejection thereof shall not of its own force preclude the presentation of a fresh plaint in respect of the same cause of action or of a fresh application in respect of the same subject-matter, with a certified copy annexed.

(*3*) After the disposal of any case in which a certified copy of any such entry has been recorded, the Court shall communicate to the Collector any error appearing in such entry and any alteration therein that may be required by reason of the decree or order, and a copy of such communication shall be kept with the record. The Collector shall in such case cause the entry to be corrected in accordance with the decree or decision of the Court, so far as it adjudicates upon any right required to be entered in the record of rights, register of mutations or register of tenancies. The provisions of this sub-section shall apply also to an appellate or revisional Court: provided that, in the case of an appellate or revisional decree or order passed by the High Court or the Court of the Judicial Commissioner of Sind, the communication shall be made by the Court from which the appeal lay or the record was called for.

(4) In this section—

V of 1908. (a) "suit" means a suit to which the provisions of the [1]Code of Civil Procedure, 1908, or of the [2]Mamlatdars' Courts Act, 1906, apply;

Bom. Act II of 1906.

(b) "application" means an application—

(i) for the execution of a decree or order in a suit;

(ii) for the filing of an agreement stating a case for the opinion of the Court under the [1]Code of Civil Procedure, 1908;

V of 1908.

(iii) for the filing of an agreement to refer to arbitration under paragraph 17 of the Second Schedule to the said Code;

(iv) for the filing of an award under paragraph 20 of the said Schedule;

(v) to a conciliator under section 39 of the [3]Dekkhan Agriculturists' Relief Act, 1879;

XVII of 1879.

(vi) of any other kind to which the Governor in Council may, by notification in the Bombay Government Gazette, direct that this section shall apply;

(c) an application shall be deemed to relate to land if the decree or other matter, with respect to which the application is made, relates to land;

(d) a suit, decree or other matter relating to land shall, without prejudice to the generality of the expression, be deemed to include a suit, decree or other matter relating to the rent or tenancy of land.

Refusal of assistance under section 87.

135I. Notwithstanding anything in section 87, the Collector shall refuse assistance to any superior holder under the said section, if his claim to such assistance is not supported by an entry or entries duly made in the record of rights, register of mutations or register of tenancies.

Presumption of correctness of entries in record of rights and register of mutations.

135J. An entry in the record of rights and a certified entry in the register of mutations shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor.

Certified copies.

135K. Applications for certified copies of entries in the record of rights, the register of mutations and the register of tenancies may be made to, and such copies may be given by, the village accountant, Mahalkari or Mamlatdar.

---

[1] Genl. Acts, Vol. VI.
[2] Vol. IV of this Code.
[3] Vol. I of this Code.

section how to be made known.

paying revenue to Government in a village, or to individual holders merely.

If the order be general, it shall be made known by public proclamation to be made by beat of drum in the village and by affixing a copy of the order in the chavdi or some other public building in the village. If it be to individual holders, a notice thereof shall be served on each holder concerned.

Penalty for disobedience of order.

Any person who shall disobey any such order after the same has been so proclaimed, or a notice thereof has been served upon him, or who shall, within the meaning of the [1]Indian Penal Code, abet the disobedience of any such order, shall be liable, on conviction after a summary inquiry by the Collector, to a fine not exceeding double the amount of the land revenue due on the land to which the crop belongs in respect of which the offence is committed. XLV of 1

Reaping, etc., not to be unduly deferred.

Crop when to be released.

143. The Collector shall not defer the reaping of the crop, nor prolong its deposit unduly, so as to damage the produce; and if within two months after the crop has been deposited the revenue due has not been discharged, he shall either release the crop and proceed to realize the revenue in any other manner authorized by this chapter or take such portion thereof as he may deem fit, for sale under the provisions of this chapter applicable to sales of moveable property in realization of the revenue due and of all legal costs, and release the rest.

Temporary attachment and management of a village or share of a village.

144. If owing to disputes amongst the sharers, or for other cause, the Collector shall deem that there is reason to apprehend that the land revenue payable in respect of any holding consisting of an entire village or of a share of a village will not be paid as it falls due, he may cause the village or share of a village to be attached and taken under the management of himself or any agent whom he appoints for that purpose.

Powers of manager, and disposal of surplus profits.

The provisions of section 160 shall apply to any village or share of a village so attached, and all surplus profits of the land attached, beyond the cost of such attachment and management, including the payments of the land revenue and the cost of the introduction of a revenue survey, if the same be introduced under the provisions of section 111, shall be kept in deposit for the eventual benefit of the person or persons entitled to the same, or paid to the said person or persons from time to time as the Collector [2]* * * may direct.

Precautionary measures to be relinquished on security being furnished.

145. The precautionary measures authorized by the last five sections shall be relinquished if the person primarily responsible for the payment of revenue or any person who would be responsible for the same if default were made by the person primarily responsible shall pay the costs, if any,

[1] General Acts, Vol. I.

[2] The words "subject to the orders of the Commissioner" were repealed by s. 2 (2) of the Bombay Repealing and Amending Act, 1905 (Bom. Act 4 of 1905), Vol. IV of this Code.

lawfully incurred by the Collector up to the time of such relinquishment, and shall furnish security satisfactory to the Collector for the payment of the revenue, at the time at which, or in the instalments, if any, in which, it is payable under the provisions hereinafter contained.

Government to determine the dates, etc., on which land revenue shall be payable.

146. Land revenue, except when it is recovered under the provisions of the foregoing sections 140 to 144, shall be payable at such times, in such instalments, to such persons and at such places as may from time to time be determined by the orders of Government.

Arrear. Defaulters.

147. Any sum not so paid becomes thereupon an arrear of land revenue, and the persons responsible for it, whether under the provisions of section 136 or of any other section, become defaulters.

Liabilities incurred by default.

[1][**148.** If any instalments of land revenue be not fully paid within the prescribed time, it shall be lawful for the Collector to impose as a penalty or as interest such charge on such instalments, and on the arrears, if any, of former years, as may be authorised according to a scale to be fixed from time to time under the orders of the Governor in Council, and further to proceed to levy at once the entire balance of land revenue due by the defaulter for the current year:

Provided that no such charge shall be imposed on any instalment, the payment of which has been suspended by order of Government, in respect of the period during which the payment remained suspended.]

Certified account to be evidence as to arrears.

149. A statement of account, certified by the Collector or by an Assistant or Deputy Collector, shall, for the purposes of this chapter, be conclusive evidence of the existence of the arrear of the amount of land revenue due, and of the person who is the defaulter.

Collectors may realize each other's demands.

On receipt of such certified statement, it shall be lawful for the Collector of one district to proceed to recover the demands of the Collector of any other district under the provisions of this chapter as if the demand arose in his own district.

A similar statement of account certified by the Collector of Bombay may be proceeded upon as if certified by the Collector of a district under this Act.

Process for recovery of arrears.

150. An arrear of land revenue may be recovered by the following processes:—

(*a*) by serving a written notice of demand on the defaulter under section 152;

(*b*) by forfeiture of the occupancy or alienated holding in respect of which the arrear is due under section 153;

[1] Section 148 was substituted by s. 69 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

(*c*) by distraint and sale of the defaulter's moveable property under section 154;

(*d*) by sale of the defaulter's immoveable property under section 155;

(*e*) by arrest and imprisonment of the defaulter under sections 157 and 158;

(*f*) in the case of alienated holding consisting of entire villages, or shares of villages, by attachment of the said villages or shares of villages under sections 159 to 163.

Revenue demands of former years how recoverable.

151. The said processes may be employed for the recovery of arrears of former years as well as of the current year, but the preferences given by sections 137 and 138 shall apply only to demands for the current year:

Proviso.

Provided that any process commenced in the current year shall be entitled to the said preferences, notwithstanding that it may not be fully executed within that year.

When notice of demand may issue.

152. A notice of demand may be issued on or after the day following that on which the arrear accrues.

The Commissioner may from time to time frame rules for the issue of such notices, and with the sanction of the Governor in Council shall fix the costs recoverable from the defaulter as an arrear of revenue, and direct by what officer such notices shall be issued.

The occupancy or alienated holding for which arrear is due may be forfeited.

153. The Collector may declare the occupancy or alienated holding in respect of which an arrear of land revenue is due, to be forfeited to Government, and sell or otherwise dispose of the same under the provisions of sections 56 and 57, and credit the proceeds, if any, to the defaulter's accounts.

Proviso.

[1][Provided that the Collector shall not declare any such occupancy or alienated holding to be forfeited—

(*a*) unless previously thereto he shall have issued a proclamation and written notices of the intended declaration in the manner prescribed by sections 165 and 166 for sales of immoveable property, and

(*b*) until after the expiration of at least fifteen days from the latest date on which any of the said notices shall have been affixed as required by section 166.]

---

[1] This proviso was added by s. 16 of the Bombay Land Revenue Code Amendment Act 1901 (Bom. Act 6 of 1901), Vol. IV of this Code.

154. The Collector may also cause the defaulter's moveable property to be distrained and sold. Distraint and sale of defaulter's moveable property.

Such distraints shall be made by such officers or class of officers as the Commissioner under the orders of Government may from time to time direct. By whom to be made.

155. The Collector may also cause the right, title and interest of the defaulter in any immoveable property other than the land on which the arrear is due to be sold. Sale of defaulter's immoveable property.

V of 1908. **156.** All such property as is by the [1]Civil Procedure Code exempted from attachment or sale in execution of a decree, shall also be exempt from distraint or sale, under either of the last two preceding sections. Exemption from distraint and sale.

The Collector's decision as to what property is so entitled to exemption, shall be conclusive.

157. At any time after an arrear becomes due, the defaulter may be arrested and detained in custody for ten days in the office of the Collector or of a Mamlatdar or Mahalkari, unless the revenue due together with the penalty or interest and the costs of arrest and of notice of demand, if any, have issued and the cost of his subsistence during detention is sooner paid. Arrest and detention of defaulter.

If, on the expiry of ten days the amount due by the defaulter is not paid, then, or if the Collector deem fit on any earlier day, he may be sent by the Collector with a warrant, in the form of Schedule C, for imprisonment in the civil jail of the district: Imprisonment in Civil Jail.

Provided that no defaulter shall be detained in imprisonment for a longer period than the time limited by law in the case of the execution of a decree of a Civil Court for a debt equal in amount to the arrear of revenue due by such defaulter. Defaulters not to be detained in custody longer than debtors may be detained by the Civil Court.

158. The Commissioner may, with the sanction of the Governor in Council, from time to time, declare by what officers, or class of officers, the powers of arrest conferred by section 157 may be exercised, and also fix the costs of arrest and the amount of subsistence-money to be paid by Government to any defaulter under detention or imprisonment. Power of arrest by whom to be exercised.

159. If the holding, in respect of which an arrear is due, consists of an entire village, or of a share of a village, and the adoption of any of the other processes before specified is deemed inexpedient, the Collector may, with the previous sanction of the Commissioner, cause such village or share of a village to be attached and taken under the management of himself or any agent whom he appoints for that purpose. Power to attach defaulter's village, and take it under management.

[1] General Acts, Vol. VI.

Sale by whom to be made.

167. Sales shall be made by auction by such persons as the Collector may direct.

Time when sale may be made.

No such sale shall take place on a Sunday or other general holiday recognized by Government, nor until after the expiration of at least thirty days in the case of immoveable property, or seven days in the case of moveable property, from the latest date on which any of the said notices shall have been affixed as required by the last preceding section.

Postponement of sale.

The sale may from time to time be postponed for any sufficient reason.

Sale of perishable articles.

168. Nothing in the last three sections applies to the sale of perishable articles. Such articles shall be sold by auction with the least possible delay, in accordance with such orders as may from time to time be made by the Collector either generally or specially in that behalf.

When sale may be stayed.

169. If the defaulter, or any person on his behalf, pay the arrear in respect of which the property is to be sold and all other charges legally due by him at any time before the day fixed for the sale, to the person appointed under section 146 to receive payment of the land revenue due, or to the officer appointed to conduct the sale or if he furnish security under section 164, the sale shall be stayed.

Sales of moveable property when liable to confirmation.

170. Sales of perishable articles shall be at once finally concluded by the officer conducting such sales. All other sales of moveable property shall be finally concluded by the officer conducting such sales, or shall be subject to confirmation, as may be directed in orders to be made by the Collector either generally or specially in that behalf. In the case of sales made subject to confirmation, the Collector shall direct by whom such sales may be confirmed.

Mode of payment for moveable property when sale is concluded at once.

171. When the sale is finally concluded by the officer conducting the same, the price of every lot shall be paid for at the time of sale, or as soon after as the said officer shall direct, and in default of such payment the property shall forthwith be again put up and sold. On payment of the purchase-money the officer holding the sale shall grant a receipt for the same, and the sale shall become absolute as against all persons whomsoever.

Ditto when sale is subject to confirmation.

172. When the sale is subject to confirmation, the party who is declared to be the purchaser shall be required to deposit immediately twenty-five per centum on the amount of his bid, and in default of such deposit the property shall forthwith be again put up and sold. The full amount of purchase-money shall be paid by the purchaser before sunset of the day after he is informed of the sale having been confirmed, or, if the said day be a Sunday or other authorized holiday, then before sunset of the first office day after such day. On payment of such full amount of

the purchase-money, the purchaser shall be granted a receipt for the same, and the sale shall become absolute as against all persons whomsoever.

Deposit by purchaser in case of sale of immoveable property.

173. In all cases of sale of immoveable property, the party who is declared to be the purchaser shall be required to deposit immediately twenty-five per centum on the amount of his bid, and in default of such deposit the property shall forthwith be again put up and sold.

Purchase-money when to be paid.

174. The full amount of purchase-money shall be paid by the purchaser before sunset of the fifteenth day from that on which the sale of the immoveable property took place, or, if the said fifteenth day be a Sunday or other authorized holiday, then before sunset of the first office day after such fifteenth day.

Effect of default.

175. In default of payment within the prescribed period of the full amount of purchase-money, whether of moveable or immoveable property, the deposit, after defraying thereout the expenses of the sale, shall be forfeited to Government, and the property shall be re-sold, and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may be subsequently sold.

Liability of purchaser for loss by re-sale.

176. If the proceeds of the sale, which is eventually made, be less than the price bid by such defaulting purchaser, the difference shall be recoverable from him by the Collector as an arrear of land revenue.

Notification before re-sale.

177. Every re-sale of property in default of payment of the purchase-money, or after postponement of the first sale, shall, except when such re-sale takes place forthwith, be made after the issue of a fresh notice in the manner prescribed for original sales.

Application to set aside sale.

178. At any time within thirty days from the date of the sale of immoveable property application may be made to the Collector to set aside the sale on the ground of some material irregularity, or mistake, or fraud, in publishing or conducting it;

but, except as is otherwise provided in the next following section, no sale shall be set aside on the ground of any such irregularity or mistake, unless the applicant proves to the satisfaction of the Collector that he has sustained substantial injury by reason thereof.

If the application be allowed, the Collector shall set aside the sale, and direct a fresh one.

Order confirming or setting aside sale.

179. On the expiration of thirty days from the date of the sale, if no such application as is mentioned in the last preceding section has been made, or if such application has been made and rejected, the Collector shall make an order confirming the sale: Provided that, if he shall have reason to think that the sale ought to be set aside notwithstanding that no such application has been made, or on grounds other than those alleged

in any application which has been made and rejected, he may, after recording his reasons in writing, set aside the sale.

Refund of deposit or purchase-money when sale set aside.

180. Whenever the sale of any property is not confirmed, or is set aside, the purchaser shall be entitled to receive back his deposit or his purchase-money, as the case may be.

On confirmation of sale, purchaser to be put in possession. Certificate of purchase.

181. After a sale of any occupancy or alienated holding has been confirmed in manner aforesaid, the Collector shall put the person declared to be the purchaser into possession of the land [1]* * * and shall cause his name to be entered in the [2][land records] as occupant or holder in lieu of that of the defaulter, and shall grant him a certificate to the effect that he has purchased the [3][land] to which the certificate refers.

Bar of suit against certified purchaser.

182. The certificate shall state the name of the person declared at the time of sale to be the actual purchaser; and any suit brought in a Civil Court against the certified purchaser on the ground that the purchase was made on behalf of another person not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed.

Application of proceeds of sale.

183. When any sale of moveable property under this chapter has become absolute, and when any sale of immoveable property has been confirmed, the proceeds of the sale shall be applied to defraying the expenses of the sale and to the payment of any arrears due by the defaulter at the date of the confirmation of such sale, and recoverable as an arrear of land revenue,

and the surplus (if any) shall be paid to the person whose property has been sold.

Expenses of sale how calculated.

The expenses of the sale shall be estimated at such rates and according to such rules as may from time to time be sanctioned by the Commissioner under the orders of Government.

Surplus not to be paid to creditors, except under order of Court.

184. The said surplus shall not, except under an order of a Civil Court, be payable to any creditor of the person whose property has been sold.

Certified purchaser liable only for land-revenue subsequently due.

[4][**185.** Notwithstanding anything in section 136, the person named in the certificate of title as purchaser shall not be liable for land-revenue due in respect of the land for any period previous to the date of the sale.]

---

[1] The words "included in such occupancy or alienated holding" were repealed by s. 71 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] These words were substituted for the words "revenue records" by *ibid.*

[3] This word was substituted for the words "occupancy or alienated holding" by *ibid.*

[4] Section 185 was substituted by s. 72, *ibid.*

Claims to attached moveable property how to be disposed of.

186. If any claim shall be set up by a third person to moveable property attached under the provisions of this chapter, the Collector shall admit or reject his claim on a summary inquiry held after reasonable notice. If the claim be admitted wholly or partly, the property shall be dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds shall be disposable as hereinbefore directed.

What moneys leviable under the provisions of this Chapter.

187. All sums due on account of land revenue, all quit-rents, nazranas, succession duties, transfer duties and forfeitures, and all cesses, profits from land, emoluments, fees, charges, penalties, fines, and costs payable or leviable under this Act or under any Act or Regulation hereby repealed, or under any Act for the time being in force relating to land revenue;

and all moneys due by any contractor for the farm of customs-duties, or of any other duty, or tax, or of any other item of revenue whatsoever, and all specific pecuniary penalties to which any such contractor renders himself liable under the terms of his agreement;

and also all sums declared by this or by any other Act or Regulation at the time being in force [1][or by any contract with the Secretary of State for India in Council] to be leviable as an assessment, or as a revenue demand, or as an arrear of land revenue;

shall be levied under the foregoing provisions of this chapter [2][and all the foregoing provisions of this chapter shall, so far as may be, be applicable thereto.]

[3][And any money ordered by a liquidator appointed under section 42 of the Co-operative Societies Act, 1912,[4] to be recovered as a contribution to the assets of a society or as the costs of liquidation may, notwithstanding anything contained in sub-section (*5*) of section 42 of the said Act, be levied under the foregoing provisions of this chapter and all the foregoing provisions of this chapter shall, so far as may be, be applicable thereto:

II of 1912.

Provided that every application for recovery in such manner of any such sum shall be accompanied by a certificate signed by the Registrar appointed under section 3 of the Co-operative Societies Act, 1912,[4] that the amount may be recovered as an arrear of land revenue.]

II of 1912.

Sureties liable as revenue defaulters.

And all persons who may have become sureties under any of the provisions of this Act or of any Act or Regulation hereby repealed, or for any such contractor as aforesaid for any sum of money shall, on failure to pay the amount or any portion thereof for which they may have become liable

---

[1] These words were inserted by s. 2 (*1*) of the Bombay Repealing and Amending Act, 1905 (Bom. Act 4 of 1905), Vol. IV of this Code.

[2] These words were added by s. 73 (*1*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[3] This paragraph and the proviso were inserted by s. 2 of the Bombay Land-revenue Code (Amendment) Act, 1920 (Bom. Act 1 of 1920), Vol. V of this Code.

[4] General Acts, Vol. VII.

under the terms of their security-bond, be liable to be proceeded against under the provisions of this chapter as revenue-defaulters [1][and all the foregoing provisions of this chapter shall, so far as may be, be applicable to such persons].

On resumption of a farm, no payments made to contractor in advance to be admitted.

And in the event of the resumption of any such farm as is aforesaid, no person shall be entitled to credit for any payments which he may have made to the contractor in anticipation.

The recovery of free grants as arrears of revenue in case of misuse.

[2][And any person who has received from Government a free grant of money for any agricultural purpose, subject to the proviso that he shall refund the same on failure to observe any of the conditions of the grant, shall, on failure to observe any such condition and to repay the said sum to Government, be liable to be proceeded against under the provisions of this chapter as a revenue-defaulter; and all the foregoing provisions of this chapter shall, so far as may be, be applicable to such person.]

CHAPTER XII.

Procedure of Revenue Officers.

Subordination of revenue-officers.

188. In all official acts and proceedings a revenue officer shall, in the absence of any express provision of law to the contrary, be subject as to the place, time, and manner of performing his duties to the direction and control of the officer to whom he is subordinate.

Power to summon persons to give evidence and produce documents.

189. Every revenue officer not lower in rank than a Mamlatdar's first karkun, or an Assistant Superintendent of Survey, in their respective departments, shall have power to summon any person whose attendance he considers necessary either to be examined as a party or to give evidence as a witness, or to produce documents for the purposes of any inquiry which such officer is legally empowered to make. A summons to produce documents may be for the production of certain specified documents, or for the production of all documents of a certain description in the possession of the person summoned.

All persons so summoned shall be bound to attend, either in person or by an authorized agent, as such officer may direct: Provided that exemp-

---

[1] These words were added by s. 73 (2) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] This paragraph was added by s. 73 (3), *ibid.*

Arrest of a defaulter to be made upon a warrant.

199. Whenever it is provided by this Act that a defaulter, or any other person may be arrested, such arrest shall be made upon a warrant issued by any officer competent to direct such person's arrest.

Power of revenue officer to enter upon any lands or premises for purposes of measurement, etc.

200. It shall be lawful for any revenue officer at any time, and from time to time, to enter, when necessary, for the purposes of measurement, fixing, or inspecting boundaries, classification of soil, or assessment, or for any other purpose connected with the lawful exercise of his office under the provisions of this Act, or of any other law for the time being in force relating to land revenue, any lands or premises, whether belonging to Government or to private individuals, and whether fully assessed to the land revenue or partially or wholly exempt from the same: Provided always that no building used as a human dwelling shall be entered, unless with the consent of the occupier thereof, without a notice having been served at the said building not less than seven days before such entry; and provided also that in the cases of buildings of all descriptions, due regard shall be paid to the social and religious prejudices of the occupiers.

Proviso.

Governor in Council to determine the language of a district.

201. The Governor in Council may declare what shall, for the purposes of this Act, be deemed to be the language in ordinary use in any district.

Collector how to proceed in order to evict any person wrongfully in possession of land.

202. Whenever it is provided by this, or by any other Act for the time being in force, that the Collector may or shall evict any person wrongfully in possession of land, such eviction shall be made in the following manner, *viz.*:—

by serving a notice on the person or persons in possession requiring them within such time as may appear reasonable after receipt of the said notice to vacate the land, and,

if such notice is not obeyed by removing or deputing a subordinate to remove any person who may refuse to vacate the same, and,

if the officer removing any such person shall be resisted or obstructed by any person, the Collector shall hold a summary inquiry into the facts of the case, and if satisfied that the resistance or obstruction was without any just cause, and that such resistance and obstruction still continue, may, without prejudice to any proceedings to which such person may be liable under any law for the time being in force for the punishment of such resistance or obstruction, issue a warrant for the arrest of the said person, and on his appearance commit him to close custody in the office of the Collector or of any Mamlatdar or Mahalkari, or send him with a warrant, in the form of Schedule I, for imprisonment in the civil jail of the district for such period not exceeding thirty days, as may be necessary to prevent the continuance of such obstruction or resistance.

CHAPTER XIII.

APPEALS AND REVISION.

Appeal to lie from any order passed by a revenue officer to his superior.

203. In the absence of any express provision of this Act, or of any law for the time being in force to the contrary, an appeal shall lie from any decision or order passed by a revenue officer under this Act, or any other law for the time being in force, to that officer's immediate superior, whether such decision or order may itself have been passed on appeal from a subordinate officer's decision or order or not.

Appeal when to lie to the Governor in Council.

204. An appeal shall lie to the Governor in Council from any decision or order passed by a Commissioner or by a Survey Commissioner, except in the case of any decision or order passed by such officer on appeal from a decision or order itself recorded in appeal by any officer subordinate to him.

Periods within which appeals must be brought.

205. No appeal shall be brought after the expiration of sixty days if the decision or order complained of have been passed by an officer inferior in rank to a Collector or a Superintendent of Survey in their respective departments; nor after the expiration of ninety days in any other case.

In computing the above periods, the time required to prepare a copy of the decision or order appealed against shall be excluded.

Admission o appeal after period of limitation.

206. Any appeal under this chapter may be admitted after the period of limitation prescribed therefor, when the appellant satisfies the officer or the Governor in Council to whom he appeals, that he had sufficient cause for not presenting the appeal within such period.

No appeal shall lie against an order passed under this section admitting an appeal.

Provision where last day for appeal falls on a Sunday or a holiday.

207. Whenever the last day of any period provided in this chapter for the presentation of an appeal falls on a Sunday or other holiday recognized by Government, the day next following the close of the holiday shall be deemed to be such last day.

Copy of order to accompany petition of appeal.

208. Every petition of appeal shall be accompanied by the decision or order appealed against or by an authenticated copy of the same.

Powers of appellate authority.

209. The appellate authority may either annul, reverse, modify or confirm the decision or order of the subordinate officer appealed against, or he may direct the subordinate officer to make such further investigation or to take such additional evidence as he may think necessary, or he may himself take such additional evidence.

Power to suspend execution of order of subordinate officers.

210. In any case in which an appeal lies, the appellate authority may, pending decision of the appeal direct the execution of the decision or order of the subordinate officer to be suspended.

Power of the Governor in Council and of certain revenue officers to call for and examine records and proceedings of subordinate officers;

211. The Governor in Council and any revenue officer, not inferior in rank to [1][an Assistant or Deputy Collector] or a Superintendent of Survey, in their respective departments, may call for and examine the record of any inquiry or the proceedings of any subordinate revenue officer, for the purpose of satisfying himself as to the legality or propriety of any decision or order passed, and as to the regularity of the proceedings of such officer.

The following officers may in the same manner call for and examine the proceedings of any officer subordinate to them in any matter in which neither a formal nor a summary inquiry has been held, namely,— [2]* * * a Mamlatdar, a Mahalkari, [3][an] Assistant Superintendent of Survey, and an Assistant Settlement Officer.

and to pass orders thereupon.

If, in any case, it shall appear to the Governor in Council, or to such officer aforesaid, that any decision or order or proceedings so called for should be modified, annulled or reversed, he may pass such order thereon as he deems fit:

[4][Provided that an Assistant or Deputy Collector shall not himself pass such order in any matter in which a formal inquiry has been held, but shall submit the record with his opinion to the Collector, who shall pass such order thereon as he may deem fit.]

Rules as to decisions or orders expressly made final.

212. Wherever in this Act it is declared that a decision or order shall be final, such expression shall be deemed to mean that no appeal lies from such decision or order.

The Governor in Council alone shall be competent to modify, annul, or reverse any such decision or order under the provisions of the last preceding section.

CHAPTER XIV.

MISCELLANEOUS.

Maps and land records open to inspection.

213. Subject to such rules and the payment of such fees as the Governor in Council may from time to time prescribe in this behalf, all maps and [5][land records] shall be open to the inspection of the public

---

[1] These words were substituted for the word "Collector" by s. 76 (*a*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] The words "an Assistant or Deputy Collector" were repealed by s. 76 (*b*), *ibid.*

[3] This word was substituted for the word "and" by the Amending Act, 1895 (16 of 1895), Vol. I of this Code.

[4] This proviso was added by s. 76 (*c*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[5] These words were substituted for the words "survey records and all village accounts and land registers" by s. 77, *ibid.*

Extracts and copies shall be given.

at reasonable hours, and certified extracts from [1][the same] or certified copies thereof shall be given to all persons applying for the same.

Rules.

[2][**214.** (*1*) The Governor in Council may, by notification published in the Bombay Government Gazette, make rules not inconsistent with the provisions of this Act to carry out the purposes and objects thereof and for the guidance of all persons in matters connected with the enforcement of this Act or in cases not expressly provided for therein.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may be made—

(*a*) regulating the appointment of revenue officers and the exercise by them of their powers and duties;

(*b*) regulating the assessment of land to the land revenue and the alteration and revision of such assessment and the recovery of land revenue;

(*c*) prescribing the notice to be given in the case of inquiries and orders under section 37;

(*d*) prescribing the purposes for which unalienated land liable to the payment of land revenue may or may not be used, and regulating the grant of permission to use agricultural land for non-agricultural purposes;

(*e*) regulating the disposal of land and other property vesting in Government;

(*f*) regulating the disposal of forfeited land;

(*g*) prescribing the terms and conditions on which, and the periods for which, unoccupied unalienated land may be granted;

(*h*) fixing the maximum amount of fine leviable under section 61;

(*i*) regulating the conduct of surveys and settlements of land revenue, and prescribing the notice to be given under section 103 before the introduction of a settlement;

(*j*) regulating the division of survey numbers into sub-divisions and the fixing of the assessment of sub-divisions under section 117A;

(*k*) regulating the construction, laying out, maintenance and repair of boundary marks;

(*l*) regulating the compilation, maintenance and revision of the record of rights and the registers of mutations, disputed cases and tenancies, and prescribing the forms in which they are to be compiled and the officers by whom the said records and registers are to be tested and revised;

---

[1] These words were substituted for the words "such maps, registers and accounts" by s. 77 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] Section 214 was substituted by s. 78, *ibid.*

(*m*) regulating the exercise by village accountants and revenue officers of the powers of a survey officer and the assessment of costs and expenses under section 135G;

(*n*) prescribing the mode, form and manner in which appeals under chapter XIII shall be drawn up and presented;

(*o*) prescribing the records, registers, accounts, maps and plans to be maintained for the purposes of this Act and the manner and forms in which they shall be prepared and maintained.

(*3*) The power to make rules under this section shall be subject to the condition of previous publication.]

[1][**215.** It shall be lawful for the Governor in Council, in making any rule under section 214, to prescribe that any person committing a breach of the same shall on conviction by a Magistrate be punished with imprisonment for a term not exceeding one month or with fine not exceeding five hundred rupees, or with both, in addition to any other consequences that would ensue from such breach.] Penalty for breach of rules.

216. Save as is otherwise provided in section 111 and hereinafter in this section, the provisions of Chapters VIII to X [2]* * * shall not be applied to any alienated village except for the purposes of fixing the boundaries of any such village, and of determining any disputes relating thereto. But the provisions of the said chapter shall be applicable to— Chapters VIII to X how far applicable to alienated villages.

(*a*) all unalienated lands situated within the limits of an alienated village,

(*b*) villages of which a definite share is alienated, but of which the remaining share is unalienated,

(*c*) alienated villages the holders of which are entitled to a certain amount of the revenue, but of which the excess, if any, above such amount belongs to Government.

But it shall be lawful for the [3][Commissioner], on an application in writing being made by the holder of any such village to that effect, to authorize the extension of all or any of the provisions of the said chapters to any such village.

217. When a survey settlement has been introduced under the provisions of the last section or of any law for the time being in force, into an alienated village, the holders of all lands to which such settlement extends Holders of land in alienated villages.

---

[1] Section 215 was substituted by s. 78 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] The words " of this Act " were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule is printed as an appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[3] This word was substituted for the words " Governor in Council " by s. 79 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

shall have the same rights and be affected by the same responsibilities in respect of the lands in their occupation as [1][holders of land] in unalienated villages have, or are affected by, under the provisions of this Act, and all the provisions of this Act relating to [1][holders of land in unalienated villages] [2]* * * shall be applicable, so far as may be, to them.

Construction of this Act.

218. Nothing in this Act, which applies in terms to unalienated land or to the holders of unalienated land only, shall be deemed to affect alienated land, or the rights of holders of alienated land or of Government in respect of any such land, and no presumption shall be deemed to arise either in favour, or to the prejudice, of any holder of alienated land from any provision of this Act in terms relating to unalienated land only.

SCHEDULE A.

Repealed by Bom. Act IV of 1913, s. 81.

SCHEDULE B.

FORM OF BOND TO BE REQUIRED UNDER SECTION 23.

WHEREAS I,

inhabitant of

have been appointed to the office of

and have been called upon to furnish security under the provisions of section 23 of the Bombay Land Revenue Code for the due discharge of the trusts of the said office, or of any other office to which I may be hereafter appointed, and for the due account of all moneys, papers and other property which shall come into my possession or control by reason of any such office, I hereby bind myself to pay to the Secretary of State for India in Council, the amount of any loss or defalcation in my accounts, and to deliver up any papers or other property within such time, and to such person as shall be demanded by the person at the head of the office to which I belong, such demand to be in writing and to be left at my office or place of residence, and in case of my making default therein I bind myself to forfeit to the Secretary of State for India in Council the sum of rupees :

---

[1] These words were substituted for the word " occupants " by s. 80 (*a*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] The words " and registered occupants " were repealed by s. 80 (*b*), *ibid.*

[1][Provided always that nothing herein contained nor the security hereby given shall be deemed to limit my liability in respect of the matters aforesaid to the forfeiture of the said sum of rupees only, and that should that sum be insufficient to recoup the Secretary of State for India in Council in full for any loss or damage sustained by him in respect of the matters aforesaid I agree to pay to him on demand such further sum as shall be deemed by the person at the head of the said office necessary in addition to the said sum to cover such loss or damage as aforesaid.]

Dated

(Signature.)

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

WE,

hereby declare ourselves sureties for the abovesaid that he shall do and perform all that he has above undertaken to do and perform, and in case of his making default therein, we hereby bind ourselves to forfeit to the Secretary of State for India in Council [2][the sum of rupees, in which the abovesaid has bound himself, or such smaller] sum as shall be deemed sufficient by the to cover any loss or damage which the Government may sustain by reason of such default.

Dated

(Signature.)

SCHEDULE C.

FORM OF WARRANT TO BE ISSUED BY THE COLLECTOR UNDER SECTION 25 OR 157.

Seal.

TO

THE OFFICER IN CHARGE OF THE CIVIL JAIL AT

WHEREAS *A.B.* of was on the day of 187 , ordered by to (*here state the substance of the demand made*); and whereas the said *A.B.* has neglected to comply with the said order, and it has therefore been directed, under the provi-

[1] This proviso was inserted by first schedule of the Bombay Repealing and Amending Act, 1905 (Bom. Act 4 of 1905), Vol. IV of this Code.

[2] These words were substituted for the word "such" by *ibid.*

sions of section of the Bombay Land Revenue Code, that he be imprisoned in the Civil Jail until he obey the said order or until he obtain his discharge under the provisions of section 25 or 28 (*or* section 157 or 164, *as the case may be*) of the said Code; you are hereby required to receive the said *A.B.* into the Jail under your charge and to carry the aforesaid order into execution according to law.

Dated this day of 187 .

(Signature of Collector.)

SCHEDULE D.

FORM OF BOND TO BE REQUIRED UNDER SECTION 28 OR 164.

WHEREAS I, , have been ordered by to (*here state the nature of the demand*) and whereas I dispute the right of the said to make the said order, I hereby bind myself to file a suit within fifteen days from the date of this bond in the District Court of to contest the justice of the demand, and do agree that in the event of a decree being passed against me I will fulfil the same and will pay all amounts, including costs and interests, that may be due by me, or that if I fail to institute a suit as aforesaid, I will, when required, pay the abovementioned amount of rupees (*or* will deliver up the abovementioned papers or property, *as the case may be*), and in the case of my making default therein, I hereby bind myself to forfeit to the Secretary of State for India in Council the sum of rupees.

Dated .

(Signature.)

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

WE,

hereby declare ourselves securities for the abovesaid that he shall do and perform all that he has above undertaken to do and perform, and in case of his making default therein we hereby bind ourselves to forfeit to the Secretary of State for India in Council the sum of rupees.

Dated

(Signature.)

The terms of your tenure are such that your occupancy is both transferable and heritable, and will be continued by the British Government, without any objection or question as to title, to whosoever shall from time to time be its lawful holder (subject only to the condition of the payment annually of the above land revenue according to the provisions of the Bombay Land Revenue Code or of any other law for the time being in force, and to the liability to have the said rate of assessment revised at the expiration of a term of years reckoned from the and thereafter at successive periods of years in perpetuity, and to the necessity for compliance with the provisions of the law from time to time in force as to the time and manner of payment of the said assessment, and to the liability of forfeiture of the said occupancy and of all rights and interests connected therewith in case of your failure to pay the said assessment as required by law).

This sanad is executed on behalf of the Secretary of State for India in Council by order of the Governor in Council of Bombay, by and under the hand and seal of , this day of one thousand eight hundred and A. D.

(Signed)

SCHEDULE I.

FORM OF WARRANT TO BE ISSUED BY THE COLLECTOR UNDER SECTION 202.

Seal.

To

THE OFFICER IN CHARGE OF THE CIVIL JAIL AT

WHEREAS *A. B.* of has resisted (*or* obstructed) *C. D.* in removing *E. F.* (*or* himself, that is, the said *A. B.*) from certain land in the village of in the taluka, and whereas it is necessary, in order to prevent the continuance of such obstruction (*or* resistance), to commit the said *A. B.* to close custody; You are hereby required under the provisions of section 202 of the Bombay Land Revenue Code to receive the said *A. B.* into the Jail under your charge and there to keep him in safe custody for days.

Dated this day of 187 .

(Signature of Collector.)